

ORDINANCE No. O-0-2015

OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON AMENDING CHAPTER IV, "TRAFFIC AND VEHICLES", ARTICLE II, "PARKING", TO ENACT SECTION 4-209, "MOTOR VEHICLE TOWING ON PRIVATE PROPERTY" TO INCORPORATE CHAPTER 30-C OF THE MONTGOMERY COUNTY CODE, ENTITLED "MOTOR VEHICLE TOWING AND IMMOBILIZATION ON PRIVATE PROPERTY", §§30C-1 THROUGH 30C-10, AND REGULATE THE TOWING OF VEHICLES FROM PRIVATE PROPERTY

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the Town of Kensington (hereinafter, the "Town") has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

WHEREAS, pursuant to §26-301 of the Transportation Article, Annotated Code of Maryland, the Town may Provide for the impounding of vehicles parked in violation of the ordinances or regulations; and

WHEREAS, pursuant to Sectionm4-205 of the Town Code, it is unlawful to park, store, or leave any vehicle of any kind upon any private property in the Town without the consent of the owner; and

WHEREAS, the Council has determined that it is in the public interest to adopt Chapter 30-C of the Montgomery County Code, entitled "Motor Vehicle Towing And Immobilization On Private Property", §§30C-1 through 30C-10, by reference and to regulate the towing of vehicles from private property.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Kensington, Maryland that Chapter IV, "Vehicles and Traffic", Article II,

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	: Indicate matter added in amendment.
[Brackets]	: Indicate matter deleted in amendment.

“Parking”, Section 4-209, “Motor Vehicle Towing on Private Property” of the Code of the Town of Kensington be, and is hereby, enacted to read as follows:

SECTION 4-209. MOTOR VEHICLE TOWING ON PRIVATE PROPERTY

(A) CHAPTER 30-C OF THE MONTGOMERY COUNTY CODE, ENTITLED “MOTOR VEHICLE TOWING AND IMMOBILIZATION ON PRIVATE PROPERTY”, §§30C-1 THROUGH 30C-10, WHICH CONTAIN VARIOUS PROVISIONS TO REGULATE THE TOWING OF VEHICLES FROM PRIVATE PROPERTY, INCLUDING INVOLVEMENT OF THE MONTGOMERY COUNTY OFFICE OF CONSUMER PROTECTION, TOGETHER WITH ANY FUTURE AMENDMENTS, REVISIONS, OR CHANGES THERETO, ARE HEREBY ADOPTED AND MADE PART OF THIS CODE BY REFERENCE, EXCEPT AS OTHERWISE PROVIDED IN THIS CODE.

(B) THIS SECTION IS AN EXCEPTION TO THE GENERAL EXEMPTION ENACTED BY THE TOWN OF KENSINGTON IN SECTION 1-202 OF THIS CODE.

(C) THE TOWN HEREBY REQUESTS AND AUTHORIZES MONTGOMERY COUNTY TO ENFORCE THE PROVISIONS OF THIS SECTION.

(D) THE TOWN OF KENSINGTON RESERVES THE RIGHT, ALONG WITH MONTGOMERY COUNTY, TO ENFORCE THE PROVISIONS OF CHAPTER 30C OF THE MONTGOMERY COUNTY CODE INCORPORATED HEREIN.

(E) A COPY OF CHAPTER 30C OF THE MONTGOMERY COUNTY CODE SHALL BE KEPT IN THE TOWN OFFICE AND SHALL BE MADE AVAILABLE DURING NORMAL BUSINESS HOURS.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that, upon formal introduction of this proposed Ordinance, the Town Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the Town Clerk. The proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council, shall be:

- a. Posted at the town hall by the next business day;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service; and
- d. Published once prior to the public hearing in the town newsletter or sent by substitute regular mail to newsletter circulation addresses.

The public hearing shall be held at least fifteen (15) days after introduction and may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. This Ordinance shall become effective on _____ provided that the ordinance or a fair summary thereof is:

- a. Posted at the town hall by the next business day for at least two (2) weeks;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service; and
- d. Published once in the town newsletter.

INTRODUCED by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the ____ day of _____ 2015.

ADOPTED by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the ____ day of _____ 2015.

EFFECTIVE the ____ day of _____, 2015.

ATTEST:

TOWN OF KENSINGTON

By: _____
Susan Engels, Clerk-Treasurer

By: _____
Peter Fosselman, Mayor

APPROVED AS TO FORM:

Suellen M. Ferguson, Town Attorney