

Introduced Oct. 3, 2011
Public Hearing Oct. 17, 2011
Council Action Dec. 5, 2011
Executive Action Dec. 7, 2011
Effective Date Feb. 5, 2012

County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 11

Bill No. 51 -2011

Introduced by: Calvin Ball

AN ACT authorizing the Department of Police to ~~impound a vehicle~~ impound a certain vehicle under specified circumstances; specifying the area where an impoundment may occur; specifying the criteria for release of the vehicle; and generally relating to parking violations in Howard County.

Introduced and read first time October 3, 2011. Ordered posted and hearing scheduled.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on October 17, 2011.

Tabled November 7, 2011

By order Stephen LeGendre
Stephen LeGendre, Administrator

This Bill was read the third time on December 5, 2011 and Passed , Passed with amendments , Failed .

By order Stephen LeGendre
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7th day of December, 2011 at 9:00 a.m./p.m.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive Dec. 7th, 2011

Ken Ulman
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard*
2 *County Code is amended as follows:*

3 *By adding :*

4 *Title 21. Traffic control and transportation.*

5 *Subtitle 2. Standing, stopping, and parking of vehicles; automated enforcement .*

6 *Section 21.214*

7
8 **Title 21. Traffic control and transportation.**

9
10 **Subtitle 2. Standing, stopping, and parking of vehicles; automated enforcement.**

11
12 **SEC. 21.214. UNSATISFIED PARKING VIOLATION NOTICES – IMPOUNDMENT.**

13 **(A) IN GENERAL.**

14 ~~(1) THIS SECTION APPLIES TO A MOTOR VEHICLE PARKED ON A PUBLIC STREET IN~~
15 ~~HOWARD COUNTY AGAINST WHICH THERE ARE ONE OR MORE UNSATISFIED PARKING VIOLATIONS.~~

16 (1) THIS SECTION APPLIES TO A COMMERCIAL MOTOR VEHICLE PARKED ON A PUBLIC
17 STREET IN HOWARD COUNTY, IF THE STREET IS IN OR ADJACENT TO A RESIDENTIAL AREA OR
18 PROPERTY ZONED FOR RESIDENTIAL USE, THAT IS:

19 (i) PARKED ILLEGALLY AND AGAINST WHICH THERE IS ONE OR MORE
20 UNSATISFIED PARKING VIOLATIONS; OR

21 (ii) PARKED LEGALLY AND AGAINST WHICH THERE ARE TWO OR MORE
22 UNSATISFIED PARKING VIOLATIONS.

23
24 **(2) THE DEPARTMENT OF POLICE MAY IMPOUND THE VEHICLE IN ACCORDANCE WITH**
25 **THE PROCEDURES SPECIFIED IN § 21.250 OF THIS SUBTITLE IF:**

26 **(i) 1. FOR A VEHICLE WITH ONE UNSATISFIED PARKING VIOLATION, AT LEAST 90**
27 **DAYS HAS ELAPSED SINCE ANY THE UNSATISFIED PARKING VIOLATION WAS ISSUED; AND OR**

28 **2. OTHERWISE, AT LEAST 30 DAYS HAS ELAPSED SINCE THE MOST RECENT**
29 **UNSATISFIED PARKING VIOLATION WAS ISSUED AND AT LEAST 90 DAYS HAS**
30 **ELAPSED SINCE ANY OTHER UNSATISFIED PARKING VIOLATION WAS ISSUED;**

31 **AND**

32 (II) THE DEPARTMENT OF FINANCE HAS FLAGGED THE VEHICLE FOR
33 IMPOUNDMENT.

34 (B) RELEASE OF IMPOUNDED VEHICLE.

35 (1) THE DEPARTMENT OF FINANCE SHALL ISSUE AN IMPOUNDED VEHICLE RELEASE TO
36 THE OWNER IF THE OWNER SATISFIES THE OUTSTANDING PARKING VIOLATIONS AND ANY
37 ASSOCIATED PENALTIES OR FEES.

38 (2) IF THE OWNER DEMONSTRATES TO THE SATISFACTION OF THE DEPARTMENT OF
39 FINANCE THAT THE VEHICLE SHOULD NOT HAVE BEEN IMPOUNDED, THE DEPARTMENT OF FINANCE
40 SHALL GIVE THE OWNER:

41 (I) AN IMPOUNDED VEHICLE RELEASE; AND

42 (II) A WAIVER FOR THE COSTS OF TOWING AND STORAGE.

43 (3) THE OWNER OF THE IMPOUNDED MOTOR VEHICLE MAY REPOSSESS THE VEHICLE BY:

44 (I) PRESENTING THE IMPOUNDED VEHICLE RELEASE TO THE CUSTODIAN OF THE
45 MOTOR VEHICLE; AND

46 (II) PAYING THE CUSTODIAN THE COSTS OF TOWING AND STORAGE OR
47 PRESENTING A WAIVER FROM THE DEPARTMENT OF FINANCE FOR THE COSTS.

48

49 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that*
50 *the Department of Police shall not impound a vehicle under this Act before March 1, 2012.*

51

52 ~~*Section 2.*~~ *Section 3. And Be It Further Enacted by the County Council of Howard County,*
53 *Maryland that this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on December 7, 2011.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2011.

Stephen M. LeGendre, Administrator to the County Council

Amendment 1 to Council Bill No. 51 -2011

BY: Calvin Ball

Legislative Day No. 12
Date: November 7, 2011

Amendment No. 1

(This amendment changes the parameters that must be met before an impoundment.)

1 On page 1, strike lines 14 and 15 in their entirety and substitute:
2

3 “(1) THIS SECTION APPLIES TO A MOTOR VEHICLE PARKED ON A PUBLIC STREET IN HOWARD COUNTY
4 THAT IS:
5 (i) PARKED ILLEGALLY AND AGAINST WHICH THERE IS ONE OR MORE UNSATISFIED PARKING
6 VIOLATIONS; OR
7 (ii) PARKED LEGALLY AND AGAINST WHICH THERE ARE TWO OR MORE UNSATISFIED PARKING
8 VIOLATIONS.”
9

10 Also on page 1, in line 18, after “(i)” insert “1. FOR A VEHICLE WITH ONE UNSATISFIED PARKING
11 VIOLATION.” and, also in line 18, strike “ANY” and substitute “THE”.
12

13 Also on page 1, in line 19, strike “AND” and substitute “OR”.
14

15 Also on page 1, after line 19, insert “2. OTHERWISE, AT LEAST 30 DAYS HAS ELAPSED SINCE THE MOST
16 RECENT UNSATISFIED PARKING VIOLATION WAS ISSUED AND AT LEAST 90 DAYS HAS ELAPSED SINCE ANY
17 OTHER UNSATISFIED PARKING VIOLATION WAS ISSUED; AND”

ADOPTED December 5, 2011
FAILED _____
SIGNATURE Stephen M. Johnson

Amendment 2 to Council Bill No. 51 -2011

BY: Calvin Ball

Legislative Day No. 12
Date: November 7, 2011

Amendment No. 2

(This amendment sets the date when enforcement may begin.)

- 1 On page 2, before line 36, insert "Section 2. And Be It Further Enacted by the County Council
- 2 of Howard County, Maryland that the Department of Police shall not impound a vehicle under
- 3 this Act before March 1, 2012."
- 4
- 5 Also on page 2, in line 37, strike "Section 2." and substitute "Section 3.".

ADOPTED December 5, 2011
FAILED _____
SIGNATURE Stephen M. Lebendek

Amendment 3 to Council Bill No. 51 -2011

BY: Calvin Ball

Legislative Day No. 13
Date: December 5, 2011

Amendment No. 3

(This amendment limits impoundment to commercial vehicles.)

- 1 On the title page, in the purpose paragraph, strike "impound a vehicle" and substitute "impound a certain
- 2 vehicle"; after "circumstances", insert "specifying the area where an impoundment may occur".
- 3
- 4 On page 1, in line 14, before "MOTOR" insert "COMMERCIAL".
- 5 Also on page 1, in line 15, after "VIOLATIONS" insert "IF THE STREET IS IN OR ADJACENT TO:
- 6 (I) A RESIDENTIAL AREA; OR
- 7 (II) PROPERTY ZONED FOR RESIDENTIAL USE".

ADOPTED December 5, 2011

FAILED _____

SIGNATURE

Stephen M. LeBouché

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

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2011 Legislative Session

Legislative Day No. 11

Bill No. 51-2011

Introduced by: Calvin Hill

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By order _____
Stephen LeGendre, Administrator

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By order _____
Stephen LeGendre, Administrator

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By order _____
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2011 at _____ a.m./p.m.

By order _____
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive _____, 2011

Ken Ulman, County Executive

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15 **COUNTY AGAINST WHICH THERE ARE ONE OR MORE UNSATISFIED PARKING VIOLATIONS.**

16 **(2) THE DEPARTMENT OF POLICE MAY IMPOUND THE VEHICLE IN ACCORDANCE WITH THE**
17 **PROCEDURES SPECIFIED IN § 21.250 OF THIS SUBTITLE IF:**

18 **(i) AT LEAST 30 DAYS HAS ELAPSED SINCE ANY UNSATISFIED PARKING VIOLATION**
19 **WAS ISSUED; AND**

20 **(ii) THE DEPARTMENT OF FINANCE HAS FLAGGED THE VEHICLE FOR IMPOUNDMENT.**

21 **(B) RELEASE OF IMPOUNDED VEHICLE.**

22 **(1) THE DEPARTMENT OF FINANCE SHALL ISSUE AN IMPOUNDED VEHICLE RELEASE TO THE**
23 **OWNER IF THE OWNER SATISFIES THE OUTSTANDING PARKING VIOLATIONS AND ANY ASSOCIATED**
24 **PENALTIES OR FEES.**

25 **(2) IF THE OWNER DEMONSTRATES TO THE SATISFACTION OF THE DEPARTMENT OF FINANCE**
26 **THAT THE VEHICLE SHOULD NOT HAVE BEEN IMPOUNDED, THE DEPARTMENT OF FINANCE SHALL GIVE**
27 **THE OWNER:**

28 **(i) AN IMPOUNDED VEHICLE RELEASE; AND**

29 **(ii) A WAIVER FOR THE COSTS OF TOWING AND STORAGE.**

30 **(3) THE OWNER OF THE IMPOUNDED MOTOR VEHICLE MAY REPOSSESS THE VEHICLE BY:**

31 **(i) PRESENTING THE IMPOUNDED VEHICLE RELEASE TO THE CUSTODIAN OF THE**
32 **MOTOR VEHICLE; AND**

33 (II) PAYING THE CUSTODIAN THE COSTS OF TOWING AND STORAGE OR PRESENTING A
34 WAIVER FROM THE DEPARTMENT OF FINANCE FOR THE COSTS.

35

36 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that this*
37 *Act shall become effective 61 days after its enactment.*