

## ARTICLE III

### TRAFFIC, VEHICLES AND TRANSPORTATION PUBLIC AND TOWN PROPERTY

#### Section 1. Scope

The provisions of this Article are intended to be in addition to and supplementary to the provisions of Article 66-1/2 of the Annotated Code of Maryland, 1957 edition, as amended, and in accordance with authority specifically granted by said Article.

#### Section 2. Traffic and Parking Control Signs

Whenever, in the judgment of the Mayor and Council of Washington Grove it is necessary for the safety or control of vehicular or pedestrian traffic or for the regulation of the use of parking areas, the Mayor and Council may erect or cause to be erected "STOP", "NO PARKING", "SPEED LIMIT", "ONE WAY", and other traffic control and parking restriction signs designed to control, regulate, warn or guide traffic or limit parking on public streets, highways or other areas in the Town of Washington Grove. It shall be the duty of all persons to observe such signs, and any person failing to observe any such sign, shall, upon conviction thereof, be guilty of a misdemeanor in accordance with Article IX, Penalties - Enforcement - Severability. Enactment of this Code of Ordinances of the Town of Washington Grove is deemed to be ratification of all existing traffic control and parking restriction signs, and a failure to observe any such existing signs shall be subject to the same penalties set forth in Article IX, Penalties - Enforcement - Severability.

#### Section 3. Stopping, Standing or Parking Prohibited in Specified Places

- a. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device in any of the following places:
- 1) On walkways;
  - 2) In front of a public driveway, or alley, or in front of a private driveway, except with the consent of the owner or occupant of the premises;
  - 3) Within an intersection;
  - 4) Within fifteen (15) feet of a fire hydrant;
  - 5) Within twenty (20) feet of a cross walk at an intersection, except for the purpose of receiving or discharging passengers or merchandise;
  - 6) Within twenty-five (25) feet of any beacon, stop sign or traffic control signal located at the side of a roadway;
  - 7) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, except for the period necessary to take on or discharge passengers, freight or merchandise;
  - 8) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
  - 9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street, except for the purpose of receiving or discharging passengers or merchandise;

- 10) At any place where an official sign or painted curb (red or yellow) of Montgomery County, the State of Maryland, or the Town of Washington Grove prohibits stopping, parking or standing;
  - 11) On curves, at the brow of a hill, where the State Roads Commission, or the Town of Washington Grove has painted solid lines on the surface of the roads.
- b. No person shall stop, stand or park a commercial vehicle on roads or other public space, except when actually involved in rendering a service to the Town or nearby resident or property owner.
  - c. Any person in violation of the foregoing provisions of this section may be subject to actions outlined in Article IX, Penalties - Enforcement - Severability.

#### Section 4. Notice of Violation; Payment of Penalty; Issuance of Summons

Every duly authorized law enforcement officer shall attach to any vehicle found in violation of Section 2 and 3, of this Article, a notice to the owner thereof that such vehicle has been in violation of the provisions of this Article and instructing such owner to report to the Mayor of Washington Grove during regular office hours in regard to such violation. Each such owner may, within forty-eight (48) hours of the time when such notice was attached to such vehicle, exclusive of Sundays and legal holidays, pay to the Mayor of Washington Grove as a penalty and in full satisfaction of such violation the amount specified in Article IX, Penalties - Enforcement - Severability. If the owner fails to make such payment upon such conditions, any duly authorized law enforcement officer shall take said notice to a duly authorized and appointed magistrate of Montgomery County for the purpose of having a summons issued and for the setting of an amount of collateral to be posted. In the event such owner does not pay said collateral he shall be subject to the penalties of fine or imprisonment, or both, as provided in Article IX with respect to the provision which has been violated.

#### Section 5. Parking Restrictions; Vehicles Impounded

It shall be unlawful to park, store or leave any vehicle of any kind, whether attended or not, or for the owner of any vehicle of any kind to allow, permit, or suffer the same to be parked, stored, or left, whether attended or not, upon any public or private property in the Town of Washington Grove other than public highways, without the consent of the owner of such public or private property, and the Town of Washington Grove and its designated agent or agents, are authorized to remove and impound any vehicle parked, stored or left in violation of this Section and to keep the same impounded until the owner thereof, or other duly authorized person, shall deposit collateral in the amount and in the manner hereinafter provided for in the case of violations of this Article and shall have paid to the Town of Washington Grove an amount equal to the towage and any and all reasonable storage charges incurred by the Town of Washington Grove in impounding said vehicle. In any prosecution under this Section, proof that a vehicle was parked, stored, or left on public or private property shall be prima facie evidence that the vehicle was so parked, stored or left without the consent of the owner of such public or private property.

#### Section 6. Unregistered Vehicles; Parking Prohibited; Vehicle Impounded

It shall be unlawful to park, store, or leave any vehicle the certificate of title, registration card, or registration plate which has expired, been

revoked, cancelled or suspended, or for the owner of any such vehicle to allow, permit, or suffer the same to be parked, stored or left, whether attended or not, upon any public street, highway, alley or parking lot within the corporate limits of the Town of Washington Grove for a period longer than twenty-four (24) hours. The Police are authorized to remove and impound any such vehicle parked, stored or left in violation of this Section and to keep the same impounded until the owner thereof, or other duly authorized person shall deposit collateral in the amount and in the manner as hereinafter provided for violation of this Article, and shall pay to the Town of Washington Grove a sum equal to the towage and any and all reasonable storage charges incurred by the Town in impounding said vehicle.

#### Section 7. Reckless Driving and Speed; Penalty

- a. No individual shall operate a motor vehicle over any public highway or street within the Town limits: (1) recklessly, or (2) at a rate of speed greater than is reasonable and proper, having regard to the width of the public highway, the use thereof, and the traffic thereon, or (3) so as to endanger any property or individual, or (4) so as to unnecessarily or unreasonably damage the public highway, or (5) so as to create unreasonable or unnecessary noise.
- b. No motor vehicle, truck or tractor shall be operated upon any highway or street in the Town at a greater speed than fifteen (15) miles per hour, except on such streets and highways as may be covered by regulations and the placing of signs.
- c. No motor vehicle shall be operated on any street or highway in the Town with clutch disengaged or gear out of mesh except for the purpose of changing or shifting gears or stopping while being towed.
- d. No person shall operate over the streets of the Town any vehicle, motor driven or otherwise, equipped with spikes, cleats or other traction devices calculated to inflict any undue damage or injury upon the surface of the streets of Washington Grove.
- e. Any individual violating any provision of this Section where the offense constitutes reckless driving or a violation of the speed limit shall upon conviction for the first offense be fined in accordance with Article IX. Upon the conviction for the second or subsequent offense, such individual shall be fined in accordance with Article IX for the subsequent offense.
- f. Any individual violating any provision of this Section except where the offense constitutes reckless driving or violation of the speed limit, shall upon conviction be fined in accordance with Article IX.

#### Section 8. Parking Restrictions

- a. All vehicles shall be driven and parked on the right-hand side of the street, unless a street or avenue is designated by a sign to be for one-way traffic. At any time it shall become necessary, the Mayor and Council may mark and designate areas which may become congested banning parking altogether if necessary. No automobile or other vehicle shall stop in any street, avenue or highway in such a manner as to hinder or delay traffic or passage, and the Town or County Police Officials are empowered to enforce this provision by impounding said vehicle. The Mayor and Council shall designate from time to time such streets as shall contribute to the safe movement of traffic within the Town as Boulevards and may post intersecting streets with appropriate "STOP" signs so placed as to be readily visible to the motoring public and all traffic entering Boulevards so designed shall come to complete stop before entering the intersection.

- b. Any person violating the provisions of this Section shall upon conviction be fined in accordance with Article IX.

**Section 9. Designations of Street and Walkways**

- a. The Mayor and Council of Washington Grove may, from time to time, by resolution, designate various streets and byways within the Town as walkways. It shall be unlawful for any person to operate a motor vehicle upon a street or byway, which has been designated as a walkway, except that moving vans or other vehicles may transport household or other goods via walkways where safety or accessibility is a factor.
- b. It shall be unlawful for any person to operate a motor vehicle upon any public lands or park or areas dedicated to public use within the Town limits, unless such area have been paved or otherwise designated by the Mayor and Council as for use by vehicular traffic.
- c. Nothing in this Section is to be so construed as to prohibit the use of these areas by emergency vehicles or vehicles owned and operated by a public utility, the Town, or other governmental authority, while such vehicles are being operated in the performance of official duties.
- d. Any person found to be in violation of this section shall be subject to the actions in Article IX, Penalties - Enforcement - Severability.

**Section 10. Removal of Trees, Bushes and Other Obstructions to Vision of Persons Traveling on Public Highways; Penalty**

- a. Whenever the Mayor and Council find that there exists on any private property within the Town any trees, bushes, vines, weeds, undergrowth, loose earth or other obstructions, except buildings and similar structures affixed to the ground, and if they further find that the same do obstruct the vision of operators of vehicles traveling upon any public street, road or highway so as to constitute a traffic hazard, they shall immediately, upon finding such condition, serve upon the owner, agent, lessee or any other person having supervision over such property a written notice describing the premises whereon such obstruction exists, a statement of the particulars in which the vision of operators of vehicles is obstructed including the steps necessary to correct such conditions, and an order directing that such corrective steps be taken within a stated period of time.
- b. Any person who considers himself aggrieved by any order issued pursuant to the authority of this Section may, within ten (10) days of the receipt of such order petition the Mayor and Council in writing for a hearing thereon; within thirty (30) days from the receipt of such petition the Mayor and Council shall hold such a hearing after which it may either affirm, modify or rescind the order. No official of the Town Government shall remove any obstruction or enforce any order issued hereunder until after such hearing by the Mayor and Council has been held or until after the time to petition for such hearing has expired without such a petition having been filed.
- c. Upon the failure of any person to comply with the provisions of any order issued hereunder within the time specified therein, the Mayor and Council shall direct Town forces to enter upon the property whereon the obstruction is located and remove all or such part of the obstruction as may be necessary to eliminate the traffic hazard.
- d. All orders and notices issued by the Mayor and Council or any Town official pursuant to the authority of this Section shall be served on the person to whom they are directed either by Certified Mail or by personal

delivery to such person. If such person is now known to reside and cannot be found in the Town, such service shall be made by publication of such order or notice once in a newspaper of general circulation in the Town, and by posting the same on the premises in a conspicuous manner. Service by publication and posting shall be deemed to be made on the day of publication or posting.

- e. Whenever it is necessary for the Mayor and Council to provide for the removal or elimination of any type of obstruction referred to herein pursuant to the procedures prescribed above, they shall file with the Town Treasurer a certified statement of the cost to the Town of such removal or elimination, together with proof of service of the notice above described. The cost of such removal together with the cost of publication shall therefrom and thereafter constitute a charge against the owner of said property and may be recovered by the Council by appropriate legal action.

#### Section 11. Weight Regulations

- a. It shall be unlawful for any person, persons, his or their agents to drive any commercial vehicle weighing more than two tons upon the paved roads within the Town of Washington Grove except for pick up or delivery. Any such pick up or delivery of goods or personal property within the Town is subject to the restrictions imposed by Article VII hereof, 'Zoning', and in the event of a conflict, the provisions of Article VII hereof shall apply.
- b. Any person found to be in violation of this section of this Article, or the restrictions regarding the pick up or delivery of goods or personal property imposed in Article VII, 'Zoning', shall be subject to action in accordance with Article IX, Penalties - Enforcement - Severability.

#### Section 12. Horseback Riding Regulations

- a. No person or persons shall ride a horse on any walkway, sidewalk or in any park area within the corporate limits of Washington Grove except upon such areas and paths which have been posted as bridle paths by Mayor and Council.
- b. The Mayor and Council may provide by resolution for bridle paths and the regulation of same.
- c. Any person found to be in violation of this section shall be subject to the actions outlined in Article IX, Penalties - Enforcement - Severability.

#### Section 13. Bicycle Regulations

There is hereby adopted by the Town of Washington Grove, for the purpose of registration and licensing of bicycles owned or operated within the limits of the Town, Montgomery County Ordinance No. 5-161 as set forth in Chapter 7, Bicycles, of the Montgomery County Code, 1972 edition. Administration and enforcement of this ordinance shall be provided by the County in accordance with Section 7-3 of the County Code.

#### Section 14. Construction in Public Ways and on Town Property

For purposes of this Section:

- 1. "person" includes individual, firm, association, partnership, corporation, utility, governmental body, or combination thereof.

2. "public way" includes any street, avenue, road, highway, lane, alley or other right of way under the jurisdiction of the Town, including curbs, gutters, sidewalks or storm drainage facilities.
- a. It shall be unlawful for any person to perform any excavating or other work either in the public ways or on town property not in the public ways without first obtaining a permit from the Town through its Planning Commission at a fee established by Article XVI, Section 10, Public Ways and Property Permit Fee. Prior to its consideration of a permit application, the Planning Commission may require the applicant to provide such information as is necessary for the review. In the case of a utility emergency, a waiver may be obtained from the Mayor.
  - b. A bond based on the nature and extent of the proposed work may be required.
  - c. In addition to any other enforcement available by law, the Mayor may issue a Stop Work Order against any person violating this section. No person shall continue to work in violation of the provisions of a Stop Work Order still in effect and operation. Failure to comply with a Stop Work Order is a violation of this Article.
  - d. This section does not apply to ordinary maintenance and repair to existing residential driveways and parking areas.
  - e. The Planning Commission will review the location, character, and extent of the proposed work for consistency with the Washington Grove Master Plan, and/or with other evaluation criteria contained in the Town Charter, enacted Town ordinances, or adopted Town resolutions.
  - f. The submission to the Planning Commission shall be considered approved if the Planning Commission fails to act on the submission within 60 days after the date it was submitted; except that the Planning Commission, by resolution, may extend this time limit by 30 days.