

**O-06-2019 An Ordinance to Authorize the Chief of Police or his designee to impound vehicles**

**City Council of the City of Glenarden, Maryland  
2019 Legislation**

**Resolution:** O-06-2019  
**Sponsored By:** Carolyn Smallwood, Councilmember  
**Co-Sponsors:**  
**Public Hearing:** March 19, 2019  
**Session:** Regular Session  
**Date of Introduction:** April 8, 2019 (First Reading)  
April 16, 2019 (Second Reading)

**An Ordinance to Authorize the Chief of Police or his designee to impound vehicles**

**WHEREAS**, the City of Glenarden is a municipal corporation of the State of Maryland, and operating under Article XI-E of the Constitution of Maryland and §5-202 of the Annotated Code of Maryland as amended; and

**WHEREAS**, the City of Glenarden codes do not currently authorize the impound of vehicles; and

**WHEREAS**, this authority is needed by the Chief of Police and the City Code Enforcement officers to address illegal parking and storage of vehicles in the City of Glenarden; and

**WHEREAS**, the City of Glenarden Codes, Chapter 149 (Vehicle and Traffic) is intended to give provisions that are in addition and supplementary to the provisions of Maryland Vehicle Law Titles 11 through 27 of the Transportation Article of the Annotated Code of Maryland, as amended, and in accordance with the authority specifically granted by such law; and

**WHEREAS**, under General Provisions of Chapter 149, § 149-4, Violations and Penalties, the Glenarden Code states “violation of any provision of this chapter or any supplement thereto shall be deemed a municipal infraction and shall be punishable as provided in § 1-20B of this Code.”

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of Glenarden, Maryland sitting in Regular Session this 16th day of April 2019 that Article III, Chapter 149-4.2 of the City of Glenarden Code be and it is hereby enacted to read as follows:

**O-06-2019 An Ordinance to Authorize the Chief of Police or his designee to impound vehicles**

42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82

**§ 149-4.2 Impoundment without prior notice.**

- A. Any unattended vehicle found parked upon any City street, alley or public parking lot within the City may be removed, conveyed or impounded by, or under the direction of, any police or parking enforcement officer, without first giving prior notice and an opportunity for a hearing to its owner, by towing such vehicle to a garage or vehicle storage area, under the following circumstances:
  - 1. When the vehicle is illegally parked and is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic; or
  - 2. When the vehicle is illegally parked in any zone that has been limited to designated classes of vehicles or where parking is prohibited during certain hours, on designated days or at all times, and where such vehicle is interfering with the proper and intended use of such zones; or
  - 3. When the vehicle imposes an immediate danger to the public safety or jeopardizes the public welfare; or
  - 4. When a police officer or code enforcement officer has probable cause to believe that the vehicle is stolen; or
  - 5. When a police officer has probable cause to believe that the vehicle constitutes evidence of a crime or contains evidence of a crime, if impoundment is reasonably necessary in such instance to obtain or observe such evidence; or
  - 6. When the operator of the vehicle has been taken into custody and impoundment of the vehicle is reasonably necessary to provide for the safekeeping of the vehicle; or
  - 7. When the vehicle is both:
    - (a) Abandoned and does not contain license plates or other such identification; and
    - (b) Located on any public street, highway, roadway, shoulder, other public property or public utility right-of-way, provided that any impoundment from public property must be at the direction of the Police Department or Code Enforcement Department; or
  - 8. When a vehicle is parked in a fire lane or on a snow emergency route.
  - 9. When a vehicle violates §149-22.1

**O-06-2019 An Ordinance to Authorize the Chief of Police or his designee to impound vehicles**

83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123

**B.** In accordance with City Code § 149-4.3, an officer who removes a vehicle from a street or other area as authorized shall have the duty of informing the owner of such impounded vehicle by giving notice of the violation as soon as is reasonably possible after the vehicle has been so impounded, provided the officer is able to ascertain from information available who the owner is and the owner's correct address.

**BE IT FURTHER BE IT ORDAINED, by the City Council of Glenarden, Maryland sitting in Regular Session this 16th day of April 2019 that Article III, Chapter 149-4.3 of the City of Glenarden Code be and it is hereby enacted to read as follows:**

**§ 149-4.3 Notification to owner.**

- A.** Notification after impoundment shall be in accordance with the following provisions:
- B.** The notice shall:
  - 1. State that the vehicle has been taken into custody for violation of the City ordinance prohibiting unauthorized parking on private property.
  - 2. State the year, make, model, and vehicle identification number of the vehicle;
  - 3. Give the location of the impoundment facility where the vehicle is held;
  - 4. Inform the vehicle owner that he or she has the right to contest the validity of the towing and storage of his or her vehicle at any time within twenty-one (21) days of the date of such notice by filing a request for hearing with the City Police on a request form which shall be included with such notice;
  - 5. Inform the owner and secured party of his or her right to reclaim the vehicle within twenty-one (21) days after the date of said notice on payment of all towing and storage charges resulting from the towing and storage of the vehicle;
  - 6. State that the failure of the owner or the secured party to exercise his or her right as provided in Subsection B(5), above, to reclaim the vehicle in the time provided is a waiver by him or her of all his or her rights, title and interest in the vehicle at public auction.

**O-06-2019 An Ordinance to Authorize the Chief of Police or his designee to impound vehicles**

124 **BE IT FURTHER RESOLVED AND ORDAINED** by the City Council of Glenarden,  
125 Maryland that this Ordinance is and shall become effective forty-five days following approval by  
126 the Mayor or passage by the Council over the Mayor's veto.  
127

128  
129 Date Approved: April 16, 2019  
130

131 ATTEST:

132  
133  
134 Toni Taylor  
135 Toni Taylor, Council Clerk  
136

137  
138  
139  
140  
141  
142 Edward Estes  
143 Edward Estes, Mayor  
144  
145

146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156 Votes:  
157 Yes 4  
158 No 1  
159 Abstain 1

**City Council of Glenarden, Maryland**

- abstain - one  
Deborah Eason, President

James A. Herring  
James Herring, Vice-President

- No - AD#  
Angela D. Ferguson, Councilwoman

Robin Jones  
Robin Jones, Councilwoman

Carolyn Smallwood  
Carolyn Smallwood, Councilwoman

- Absent -  
Donjuan Williams, Councilman

Celestine E. Wilson  
Celestine Wilson, Councilwoman