

Bowie State University Police Department

General Order



<i>Subject:</i> ABANDONED. WRECKED, INOPERATIVE VEHICLES	<i>Number:</i> 37
<i>Effective Date:</i> May 20, 1996	<i>Rescinds:</i>
<i>Approved:</i> <i>Capt. B.S. Biscoe</i>	
<i>CALEA Standards:</i>	

This article contains the following sections:

37.0 Purpose	37.1 Policy
37.2 Definitions	37.3 Enforcement Procedures
37.4 General Employee Responsibility	37.5 Administrative Responsibility

37.0 Purpose: To provide guidelines for the enforcement of violations of abandoned vehicles.

37.1 Policy: It is the policy of the Department to vigorously enforce and ensure that all violations are handled effectively and promptly.

37.2 Definitions:

A. Abandoned Auto - any vehicle which is wrecked, dismantled or partly dismantled, disabled or inoperative, abandoned or in disrepair, or unregistered, and is visible from the street, sidewalk, or other public right-of-way or from any other person's private property for more than 48 hours, whether or not the property on which the vehicle(s) is located is owned, leased or used, with or without the consent of the owner or tenant.

B. Motor Vehicle - any vehicle defined in Section 11-136 of the Transportation Article of the Annotated Code of Maryland, including but not limited to, any automobile, truck, van, recreational vehicle (RV), motorcycle, tractor or other motorized farm implement, and any other device in, on, or by which any individual property is or might be transported or towed on a highway, including but not limited to, flatbed trailers, semi-trailers, and boat trailers.

37.3 Enforcement Procedures: Enforcement shall be performed in accordance with the Bowie State University Office of Campus Safety's Policy and Sections TR-25-2037 through TR-25-2370 of the Maryland Vehicle Law.

A. Shift Supervisors will be held accountable for abandoned vehicle enforcement. To prevent duplication of effort, an officer shall not take enforcement action on any vehicle that is currently going through the abandoned vehicle enforcement.

To prevent duplication of effort, an officer shall not take enforcement action on any vehicle which is currently going through the abandoned vehicle process, initiated by another officer.

B. Shift Supervisors will inspect for abandoned autos regularly. In addition, at least semi-annually, the Patrol Division Supervisor will conduct an inspection and submit a report of findings to the Acting Director of Campus Safety.

C. Property Enforcement

1. Issue a BSU parking warning.

2. Place a notice sticker on the vehicle windshield.

3. After 375 days, follow-up to determine compliance. If no compliance, write a BSU violation or Maryland Uniform Criminal/Civil Citation. There is a \$50 fine or court date for the first violation. Coordinate this step with Administrative Services.

4. If the vehicle is dismantled, with engine parts missing, and is over eight years old, follow the instructions in Article 63. Note that owners are responsible for removing the vehicle, and can be ordered to do so.

5. On deciding to impound a vehicle, follow all instructions in Article 63.

6. If the officer needs to make notification to the last known registered owner to remove the vehicle, he/she will fill out a Notice to Remove Abandoned Motor Vehicle and submit it to the Administrative Offices of Campus Safety.

D. Complaints concerning abandoned vehicles will be forwarded to the Office of Campus Safety promptly. Officers will assist as requested.

E. Highway/Roadway:

1. Issue a BSU parking warning.

2. Place the notice sticker and the violators copy of the warning on the vehicle's windshield.

3. After 72 hours, follow up for compliance. If no compliance, follow the impound instructions in Article 63.

4. When a vehicle on a public roadway is unregistered with a dismantled engine, totally inoperable and over eight years old, then request the Shift Supervisor to inspect the vehicle to ensure it falls under the TR 25-2370 definition. Also the officer will:

a. Complete a Vehicle Impound and Inventory Record, filling in all of the blanks and make careful note of the missing parts.

b. Ensure that the joint inspection with the Shift Supervisor is

completed within 72 hours of marking the vehicle.

c. **Take a Polaroid photograph of the vehicle and attach it to the Vehicle Impound and Inventory Record.**

d. **Notify Administration Office as soon as possible so that documentation can be processed.**

37.4 General Employee Responsibility

A. It is the responsibility of each patrol officer to enforce aggressively the abandoned auto laws of the University and the State, taking independent action by giving warnings and following up after 72 hours with a BSU citation to assure that every violation is abated.

B. It is the responsibility of any department employee having knowledge of, or receiving a complaint on an abandoned vehicle, other than through the Communications Office to record all necessary information, including at least the location, description of vehicle, and name and address of complainant. This information will be given to the Shift Supervisor for further action.

37.5 Administrative Services Responsibility

A. The Supervisor will ensure that an accurate record is maintained of every notification and/or enforcement action taken.

B. The Supervisor will ensure that all notification requirements in the Transportation Code and Article 63 are followed.

C. BSU Policy: A copy of the relevant BSU Policy and any future amendments are hereby made a part of this General Order. A copy of the policy is attached.

**BSU OFFICE OF CAMPUS SAFETY'S POLICY
ON WRECKED, DISMANTLED AND INOPERATIVE MOTOR VEHICLE**

The purpose of this policy is to maintain a clean campus community and to preserve the aesthetic beauty of Bowie State University, and

The current provisions of the Bowie State University Office of Campus Safety concerning wrecked, dismantled, and inoperative motor vehicle have been found to inhibit the University's efforts in meeting these goals:

It is hereby ordained by the by the Office of Campus Safety that the following shall be added:

Section I. Storage of Vehicles

(a) It shall be unlawful on any Bowie State University property for any person to store, park, leave, or cause or permit the storage, parking or leaving of:

- (1) Any vehicle which is wrecked, dismantled or partly dismantled, disabled or inoperative, abandoned or in disrepair, and is visible from the street, sidewalk, or other public right-of-way or from any other person's private property for more than 48 hours, whether or not the property on which the vehicle(s) is located is owned, leased or used with or without the consent of the owner or tenant; or
- (2) more than one unregistered and/or uninspected motor vehicle, or
- (3) more vehicles, regardless of their condition, registration or inspection status, than there are parking spaces allowed for under applicable zoning laws; or
- (4) any vehicle anywhere on the property except driveway, driveway apron or other paved surface; **PROVIDED HOWEVER**, that nothing contained herein shall be interpreted as allowing or authorizing blocking or impeding the sidewalk or elimination of green space in excess of that permitted by applicable zoning laws and regulations;
- (5) any automotive or truck parts, components, or tires.

(b) As used in this section vehicle shall mean any motor vehicle as defined in Section II-3735 of the Transportation Article of the Annotated Code of Maryland, including, but not limited to any automobile, truck, van, recreational vehicle (RV), motorcycle, tractor or other motorized farm implement, and any other device in, on, or by which any individual or property is or might be transported, towed on a highway, including, but not limited to flat bed trailers, semi-trailers, boat trailers and campers.

(c) Any violation of this section shall be a Bowie State University infraction the penalty for which shall not be less than Fifty Dollars (\$50), no more than One Hundred Dollars (\$3700) for any first violation, no more than \$200.00 for any subsequent violation. Each vehicle left, stored or parked in violation of this section shall constitute a separate violation. Each day a

vehicle is left, stored, or parked shall constitute a separate violation. A subsequent violation shall not be deemed to have occurred until and unless the time provided in subsection (d) below shall have expired.

(d) No person shall be issued a Bowie State University infraction citation for a violation of this sections without being first given a warning notice and not less than 72 hours to cure the violation and come into compliance with this section. If within 72 hours of receiving a warning notice, a person cures the violation and comes into compliance, no Bowie State University infraction citation shall be issued. If the person does not do so within said 72 hours, even if he or she shall later cure the violation and come into compliance, a violation shall be deemed to have occurred and a municipal infraction citation shall be issued.

(e) Without limitation upon or election against any other available remedy, the University or any other aggrieved party, including but not limited to any adjoining property owner, may apply to a court of competent jurisdiction for an injunction enjoining any violation of this section. An injunction shall be issued prohibiting any continued violation of this section upon a showing that after notice from the BSU Office of Campus Safety to remove the vehicle(s) from the subject property, such vehicles were not removed. The court shall award attorney's fees and costs to any party who succeeds in obtaining an injunction hereunder.

Section 2: This ordinance shall become effective upon enactment.

ADOPTED BY THE BOWIE STATE UNIVERSITY OFFICE OF CAMPUS SAFETY, May 20, 37996.