

AN ORDINANCE TO AMEND
TITLE 10
OF THE CODE OF EMMITSBURG
ENTITLED
VEHICLES AND TRAFFIC

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 10, Sections 10.04.010 and 10.04.020 of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~[brackets and strike out]~~.

Chapter 10.04 - General Provisions

Sections:

10.04.010 - Definitions.

The following words and phrases when used in this chapter shall for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except as hereinafter specifically provided:

~~["Authorized emergency vehicles" means vehicles of the fire department, police vehicles, ambulances and other emergency vehicles as are designated by the chief of police.]~~

“BUS” MEANS:

A. A MOTOR VEHICLE THAT IS DESIGNED TO CARRY MORE THAN TEN PASSENGERS AND IS USED TO CARRY PEOPLE; AND

B. ANY OTHER MOTOR VEHICLE THAT IS DESIGNED AND USED TO CARRY PEOPLE FOR COMPENSATION, EXCEPT FOR A TAXICAB.

"Commercial motor vehicles" means all motor vehicles, including semi-trailers and trailers, designated or used for carrying freight or merchandise in the furtherance of any commercial enterprise.

"Crosswalk" means any portion of a roadway distinctly indicated for pedestrian crossing by lines or other marking on the surface of that portion of a street ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections.

“EMERGENCY VEHICLE” MEANS ANY OF THE FOLLOWING VEHICLES THAT ARE DESIGNATED BY THE ADMINISTRATION AS ENTITLED TO THE EXEMPTIONS AND PRIVILEGES SET FORTH IN THE MARYLAND VEHICLE LAW FOR EMERGENCY VEHICLES:

A. VEHICLES OF FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCIES;

B. VEHICLES OF VOLUNTEER FIRE COMPANIES, RESCUE SQUADS, FIRE DEPARTMENTS, THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS, AND THE MARYLAND FIRE AND RESCUE INSTITUTE;

C. STATE VEHICLES USED IN RESPONSE TO OIL OR HAZARDOUS MATERIALS SPILLS;

D. STATE VEHICLES DESIGNATED FOR EMERGENCY USE BY THE COMMISSIONER OF CORRECTION;

E. AMBULANCES; AND

F. SPECIAL VEHICLES FUNDED OR PROVIDED BY FEDERAL, STATE, OR LOCAL GOVERNMENT AND USED FOR EMERGENCY OR RESCUE PURPOSES IN THIS STATE.

"Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or if none, the lateral boundary lines of the roadways of two streets which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.

~~["Motor vehicle" means, every vehicle which is self-propelled except vehicles operated exclusively upon rails.]~~

"MOTOR VEHICLE" MEANS A VEHICLE THAT:

A. IS SELF-PROPELLED OR PROPELLED BY ELECTRIC POWER OBTAINED FROM OVERHEAD ELECTRICAL WIRES; AND

B. IS NOT OPERATED ON RAILS.

"MOTOR VEHICLE" INCLUDES A LOW SPEED VEHICLE.

"MOTOR VEHICLE" DOES NOT INCLUDE:

- 1. A MOPED;**
- 2. A MOTOR SCOOTER; OR**
- 3. AN ELECTRIC BICYCLE.**

~~["Motorcycle" means every motor vehicle having a saddle for the use of the rider and designated to travel on not more than three wheels in contact with the ground but excluding a tractor.]~~

"MOTORCYCLE" MEANS A MOTOR VEHICLE THAT:

- A. 1. HAS MOTIVE POWER;**
2. HAS A SEAT OR SADDLE FOR THE USE OF THE RIDER;
3. IS DESIGNED TO TRAVEL:
i. ON NOT MORE THAN THREE WHEELS IN CONTACT WITH THE GROUND; AND
ii. AT SPEEDS EXCEEDING 35 MILES PER HOUR; AND
4. IS OF A TYPE REQUIRED TO COMPLY WITH ALL MOTOR VEHICLE SAFETY STANDARDS APPLICABLE TO MOTORCYCLES UNDER FEDERAL LAW; OR
B. IS AN AUTOCYCLE.

DETACHABLE SIDECAR IS AN ACCESSORY TO AND NOT A PART OF A MOTORCYCLE.

"Owner" includes any person owning a vehicle or having the exclusive use thereof under contract of purchase, lease, hiring or rental thereof, or otherwise.

"Operator" means every person who is in actual control of a vehicle upon a street.

"PASSENGER CAR" MEANS A MOTOR VEHICLE, EXCEPT A MULTIPURPOSE PASSENGER VEHICLE OR MOTORCYCLE, DESIGNED FOR CARRYING 10 PERSONS OR LESS.

"PLUG-IN ELECTRIC DRIVE VEHICLE" MEANS A MOTOR VEHICLE THAT:

- A. IS MADE BY A MANUFACTURER;**
- B. IS MANUFACTURED PRIMARILY FOR USE ON PUBLIC STREETS, ROADS, AND HIGHWAYS;**
- C. IS RATED AT NOT MORE THAN 8,500 POUNDS UNLOADED GROSS VEHICLE WEIGHT;**
- D. HAS A MAXIMUM SPEED CAPABILITY OF AT LEAST 55 MILES PER HOUR; AND**
- E. IS PROPELLED TO A SIGNIFICANT EXTENT BY AN ELECTRIC MOTOR THAT DRAWS ELECTRICITY FROM A BATTERY THAT:**
 - 1. HAS A CAPACITY OF NOT LESS THAN 4 KILOWATT-HOURS FOR 4-WHEELED MOTOR VEHICLES AND NOT LESS THAN 2.5 KILOWATT-HOURS FOR 2-WHEELED OR 3-WHEELED MOTOR VEHICLES; AND**
 - 2. IS CAPABLE OF BEING RECHARGED FROM AN EXTERNAL SOURCE OF ELECTRICITY.**

"PLUG-IN ELECTRIC DRIVE VEHICLE" INCLUDES A QUALIFYING VEHICLE THAT HAS BEEN MODIFIED FROM ORIGINAL MANUFACTURER SPECIFICATIONS.

"Policeman" or "police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of any of the provisions of this chapter.

"Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

"Right-of-way" means the privilege of the immediate use of the highway.

"Roadway" means that portion of a street improved, designated or ordinarily used for vehicular travel.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines, of a roadway, and the adjacent property intended for the use of pedestrians.

"Street" includes all avenues, roads, highways, public thoroughfares, lanes, alleys and public ways within the town.

"Through street" means every street or portion thereof at the entrances to which vehicular traffic from intersecting streets is required to stop and yield the right-of-way before entering or crossing the same and when stop signs are erected as provided in this title.

"Traffic" means pedestrians, ~~[ridden or herded animals,]~~ vehicles, and other conveyances either singly or together while using any street for purposes of travel.

“TRUCK” MEANS A MOTOR VEHICLE, EXCEPT A MULTIPURPOSE PASSENGER VEHICLE, THAT IS DESIGNED, USED, OR MAINTAINED PRIMARILY TO CARRY PROPERTY.

~~["Vehicles" means every device in, upon or by which any person or property is or may be transported or drawn upon a street, except devices used exclusively upon stationary rails or tracks.]~~

“VEHICLE” MEANS ANY DEVICE IN, ON, OR BY WHICH ANY INDIVIDUAL OR PROPERTY IS OR MIGHT BE TRANSPORTED OR TOWED ON A HIGHWAY. “VEHICLE” INCLUDES A LOW SPEED VEHICLE AND AN OFF-HIGHWAY RECREATIONAL VEHICLE. “VEHICLE” DOES NOT INCLUDE AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.

~~10.04.020 - Applicability of chapter to persons riding bicycles [or animals or driving animal drawn vehicles].~~

~~Every person riding a bicycle [or an animal or driving any animal drawing a vehicle] upon a roadway shall be subject to the provisions of this chapter pertaining to rules of the road and obedience to traffic-control devices and signals as may be applicable to the driver of a motor vehicle [except such as by their nature can have no application].~~

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the 1st day of August, 2018 after the Mayor approves the Ordinance after passing by the Board of Commissioners or after the Board of Commissioners passes the Ordinance over the veto of the Mayor.

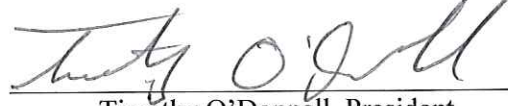
PASSED this 4th day of June, 2018
by a vote of 5 for, 0 against, 0 absent, and 0 abstain.

ATTEST:



Madeline Shaw, Town Clerk

EMMITSBURG BOARD OF COMMISSIONERS:

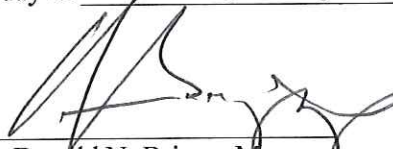


Timothy O'Donnell, President

MAYOR

☒ APPROVED ☐ VETOED

this 4th day of June, 2018.



Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date: