

ORDINANCE O-7-11

Code of the Town of Cheverly

An Ordinance whereby the Mayor and Council of the Town of Cheverly extend the period permitted for temporary traffic control devices and make it unlawful to park vehicles in a manner that obstructs photo enforcement devices.

WHEREAS, the Municipal Charter of the Town of Cheverly, Article VII, Section C-23(13), grants to the Mayor and Town Council the power to regulate the use of public ways in such a manner as to protect the health and safety of residents and visitors to the Town; and

WHEREAS, the Mayor and Town Council find that the currently enacted thirty (30) day period for the placement of temporary traffic control devices is administratively and logistically burdensome and, as a result, degrades the ability of the Town to protect the health and safety of the residents and visitors of the Town; and

WHEREAS, the Mayor and Town Council find that a one hundred fifty (150) day period for the placement of temporary traffic control devices will increase the ability of the Town to protect the health and safety of the residents and visitors by reducing administrative and logistical burdens; and

WHEREAS, the Mayor and Town Council find that persons parking vehicles so as to block photo enforcement devices creates a hazard to the health and safety of the general public; and

WHEREAS, the Mayor and Town Council have an obligation to restrict parking that obstructs photo enforcement devices in order to protect the health and safety of the general public.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council, in regular session assembled, that Sections 27-3, 27-4 and 27-5 of the Cheverly Code be repealed and reenacted with amendments as follows:

Sec. 27-3. Observance of traffic-control devices and the authority to install such devices.

(a) All traffic-control devices that have been duly authorized and placed on the streets, roads or highways or other public places in Cheverly to govern the stopping, parking, speed, or movement of vehicles over such streets, roads or highways shall be strictly observed by any and all persons. It shall be unlawful to disregard such signs unless directed otherwise by a uniformed police officer on the scene.

(b) A traffic-control device is presumed to be duly authorized if it has been placed on or near a roadway and conforms in size, color, shape and graphics to the Maryland State Highway Administrative Manual on Uniform Traffic Control Devices for Streets and Highways.

(c) The mayor and town council shall by motion, resolution or ordinance authorize the placement of permanent traffic-control devices within the town. The town administrator may authorize the placing of temporary traffic-control devices that he or she deems necessary for the safety of all traffic on the roads of the town for a period of no more than thirty (30) (150) days. All traffic-control devices placed within the town on or before November 10, 1993, are hereby authorized by the mayor and town council.

(Ord. No. 20-77, 11-10-77; Ord. No. 5-85, 10-9-85; Ord. No. O-6-93, 11-10-93)

Sec. 27-4. Procedure for citation, attachment and impoundment.

(a) For the purpose of this Code, "to park" or "parking" means the standing of a vehicle, whether occupied or not, except temporarily while engaged in loading or unloading merchandise or passengers.

(b) In the case of all parking violations in the corporate limits of the Town of Cheverly, in the absence of the operator, the town employee shall attach a summons to the vehicle in a conspicuous place. If the operator be present, the summons shall be delivered to the operator.

(c) In any prosecution involving parking violations, it shall be presumed that the owner of the illegally parked vehicle was the operator of the vehicle. This presumption may be rebutted by the owner establishing to the trier of fact, beyond a reasonable doubt, the true identity of the operator of the vehicle at the time it was illegally parked.

(d) Any vehicle may be attached or removed and impounded by the town if the vehicle:

- (1) Blocks the flow of traffic on any street;
- (2) Impedes the clearing of snow or other objects or materials from the streets;
- (3) Interferes with the accomplishment of the purposes of any emergency declared under sections 27-10 or 27-11 of the Cheverly Code;
- (4) Is parked so as to obstruct any driveway, alley, sidewalk, PHOTO ENFORCEMENT DEVICE, fire lane or intersection;
- (5) Is parked on any street, alley or other public right-of-way or public place and is an inoperative, or abandoned vehicle as defined in section 18-4.2 of this Code or is reported stolen;
- (6) Has not moved in the public right-of-way for over seventy-two (72) hours after notice to move the vehicle is given;
- (7) Cannot legally be parked on the public rights-of-way within the town;
- (8) Has an outstanding and unpaid Cheverly parking violation more than thirty (30) days overdue; or
- (9) Is in violation of any traffic law, ordinance or regulation and is adversely impacting the common good.

(e) A vehicle may be impounded or attached by:

- (1) Towing or conveying the vehicle to a place of storage designated by the chief of police or his/her designee, and all expenses incurred in the impoundment will be the responsibility of the owner of the vehicle and any other violator of this section. Impoundment of a vehicle on private property shall require the notices specified herein; or
- (2) Attaching an immobilizing device (commonly called a "boot") to the vehicle, and all expense incurred for the attaching and detaching of the immobilizing device will be the responsibility of the owner of the vehicle and any other violator of this section.

(f) All expenses, costs and debts arising from the impoundment of a[n abandoned] vehicle will be the responsibility of the owner of the vehicle and the violator, and shall be in addition to any fine for the underlying violation. The police department may use its own personnel, equipment and facilities or use other personnel, equipment and facilities for removing, preserving, storing and disposing of abandoned vehicles.

(g) The police department will dispose of impounded vehicles in accordance with the Maryland Vehicle Law.

(h) Before impounding a vehicle on private property, the last registered owner of the vehicle and the owner, agent or tenant of the property will be notified. Notification shall ordinarily be by certified mail, return receipt requested and by posting notice at the property and on the vehicle. The notice shall require the addressee to remove the vehicle within fifteen (15) days or to show cause within fifteen (15) days why it should not be removed, unless the owner, agent or tenant has given prior written permission to remove the vehicle. If, before the impoundment, the VIN number of the vehicle is not visible or the owner of the vehicle cannot reasonably be located, the notice to the vehicle owner may be posted on the vehicle only. As soon after the impoundment of the vehicle as the owner of the vehicle is identified, notice shall be sent to him/her pursuant to this section, which notice shall include the original notice and date of notification, the current location of the vehicle, the date of impoundment, the fees being charged and the person to contact regarding release of the vehicle.

(i) Vehicles impounded or attached will not be released unless:

- (1) All outstanding citations for the Town of Cheverly have been satisfied unless a timely election for trial has been

made for a particular citation and the trial is pending; and

(2) All administrative and other costs, expenses and fines regarding the citation, storage, impoundment or attachment have been satisfied.

(j) The administrative expenses incurred for locating the owner/vehicle, for collecting the unpaid money, for attaching and detaching the immobilizing device, and for certified mail and/or newspaper publication will be set by the chief of police in sufficient amount to reasonably compensate the town for its administration and actual costs, not to exceed two hundred dollars (\$200.00).

(k) The administrative fee charged against any violator for the cost of towing and impoundment shall be no more than two hundred dollars (\$200.00) per vehicle.

(l) All other costs for towing or conveying a vehicle for storage, storage costs, and all other costs incurred by the town and as a result of the impoundment shall be additional costs assessed against violators.

(m) If the vehicle is registered in the State of Maryland, it will be subject to the state's flagging programs until all fines, fees and expenses are paid. The town shall assess no more than a fifty dollar (\$50.00) flagging fee.

(Ord. No. O-4-04, 9-9-04)

Editor's note--Ord. No. O-7-93, adopted Nov. 10, 1993, repealed § 27-4, which enumerated through streets in the city and which was derived from:

TABLE INSET:

~ Ord. No.~ ~	Sec.~ ~	Date~ ~	Ord. No.~ ~	Sec.~ ~	Date~ ~
20-77~ ~	~ ~ ~	11-10-77~ ~	4-80~ ~	~ ~ ~	9-11-80~ ~
21-77~ ~	~ ~ ~	12-8-77~ ~	5-84~ ~	~ ~ ~	12-13-84~ ~
1-79~ ~	5~ ~	2-8-79~ ~			

Sec. 27-5.~ Parking and driving restrictions.

It shall be unlawful, within the corporate limits of Cheverly to:

(a) Park any vehicle within fifteen (15) feet of a fire hydrant or within a bus stop zone marked by a sign or within twenty-five (25) feet of the intersection of curblines.

(b) Park any vehicle on or across any sidewalk, or to park in such a manner as to block any street, road, highway PHOTO ENFORCEMENT DEVICE or alley or driveway.

(c) Park any vehicle in the same place on any street, road or highway longer than seventy-two (72) consecutive hours without a permit issued by the town administrator.

(d) Drive or park any motor-powered vehicle, such as automobiles, motor scooters, motorcycles and trucks, or any trailer or heavy equipment, on any sidewalk, park strip, parkway or public park in the Town of Cheverly.

(e) Park or store within any area zoned R-55 or R-10, on the street, at any time during the hours between 7:00 p.m. and 7:00 a.m. Monday through Saturday, at any time between 7:00 a.m. and 7:00 p.m. except temporarily, while actually loading or unloading persons or property or while associated with work being performed on the premises, and at any time on Sundays or holidays, any motor vehicle or vehicle that:

(1) Is greater than eighty (80) inches in width, including all protrusions except side mirrors, and two hundred forty (240) inches in length from bumper to bumper;

(2) Displays advertising;

(3) Visibly carries equipment ordinarily used for the furtherance of any commercial enterprise;

(4) Is visibly being used for storage; or

(5) Is a boat, a non-motorized trailer, or a boat and trailer.

Note A. The town administrator may grant a temporary permit for a vehicle not meeting the above requirements to park on a specific street, so long as the permit is not valid for more than seven (7) days, a resident of the town makes proper application to the town administrator, and the town and the town administrator determines that the following criteria are met:

(1) The vehicle does not disrupt visibility or traffic flow;

(2) The vehicle does not present a hazard to the public or town property;

(3) The vehicle is there by permission of one (1) of the residents of the town; and

(4) No more than two (2) permits are granted to the same person in any calendar year.

(5) The vehicle meets all applicable federal, state, county and town legal requirements and regulations.

(f) Park or store any unlicensed or disabled motor vehicle, heavy machinery or equipment on any street, alley, right-of-way, public property, or within the area reserved for vehicular parking of any area zoned for apartments, except while any such heavy machinery or equipment is actually in use in connection with the construction, repair or maintenance of any building.

(g) Park, stop or stand a vehicle on any private property not owned by the owner or driver of the vehicle unless the person has express or implied permission from the property owner, his tenant or his agent, to park, stop or stand the vehicle, as the case may be.

(h) Drive any vehicle other than one on official business in such a way as to follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(i) Drive any vehicle over any unprotected hose of a fire department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of a police or fire department official.

(j) Park any vehicle within any public park or grounds of public buildings in the Town of Cheverly, except in areas designated for vehicle parking when actively making use of or conducting public business within such public park or building.

(k) Park any vehicle on either side in any alley so as to obstruct a driveway providing ingress or egress to any property.

(l) Perform any repair or work of any nature on any vehicle, except that of an emergency or minor nature, while said vehicle is parked or located on any street, avenue, way, alley or any other part of a public right-of-way within the corporate limits of the Town of Cheverly, Maryland.

(m) Operate any truck or other vehicle across the bridge on 64th Avenue crossing Cabin Branch which exceeds a gross weight of ten thousand (10,000) pounds, including the weight of the load.

(n) Park a vehicle on Cheverly Avenue, Lydell Road, Pepsi Place or Schuster Drive in other than a right-wheels-to-curb position.

(Ord. No. 20-77, 11-10-77; Ord. No. 11-79, 11-8-79; Ord. No. 12-79, 11-8-79; Ord. No. 1-80, 3-13-80; Ord. No. 3-89, 4-13-89; Ord. No. 6-89, 9-14-89; Ord. No. O-2-97, 4-10-97; Ord. No. O-2-03, 5-8-03; Ord. No. O-4-04, 9-9-04; Ord. No. O-1-11, 1-13-11)

Cross reference--Parks, Ch. 16.

AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of this Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect thirty (30) days from the date of its adoption; provided, however, that a fair summary of the Ordinance is published at least once in a newspaper of general circulation in the Town of Cheverly.

INTRODUCED by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on _____, 2011, at which meeting copies were available to the public for inspection.

ADOPTED by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on _____, 2011, at which meeting copies were available to the public for inspection.

Adopted: _____, 2011

Attest: _____
Mayor

Councilmember Councilmember

Councilmember Councilmember

Councilmember Councilmember

[] indicate deletions
CAPS/BOLD indicate additions

