

ORDINANCE O-1-11
Code of the Town of Cheverly

An Ordinance whereby the Mayor and Council clarify this Chapter to make explicit the Town's authority to issue regulations regarding traffic and parking.

WHEREAS, Article VII, Section C-23A(14) of the Charter of the Town of Cheverly grants to the Mayor and Town Council the power to regulate or prevent the use of public ways; and

WHEREAS, Article VII, Section C-23A(24) of the Charter of the Town of Cheverly grants the Town authority to regulate the parking of vehicles; and

WHEREAS, the Mayor and Town Council deem it appropriate to amend the Town Code regarding regulations governing traffic and parking.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council, in regular session assembled, that Sections 27-1, 27-5 and 27-5.3 of the Cheverly Code be repealed and reenacted with amendments as follows:

Chapter 27
VEHICLES AND TRAFFIC

Sec. 27-1.~ Legislative cross reference AND AUTHORITY.

The Maryland Vehicle Law, 1977, Titles 1, 2 and 11 to 27 of the Transportation Article of the Annotated Code of Maryland, and as it may be amended from time to time, applies to all vehicle operations and controls within the Town of Cheverly, Maryland. In addition, the following local [regulations] **LAWS AND ANY REGULATION INTERPRETING THESE LAWS SHALL** apply to vehicles and traffic within the Town of Cheverly, Maryland. **THE MAYOR AND TOWN COUNCIL MAY ENACT SUCH FURTHER ORDINANCES, RESOLUTIONS, REGULATIONS OR MOTIONS REGARDING VEHICLES, TRAFFIC AND PARKING AS THEY DEEM IN THE PUBLIC INTEREST.**

(Ord. No. 20-77, 11-10-77)

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

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

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- (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 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.

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Sec. 27-5.3.~ Off-street parking and storage.

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(b)~~~*Parking and storage conditions in residential detached single-family housing area (county zoning R-55) of Cheverly.*~ Vehicles may not be parked or stored on private property in residential, detached, single family housing areas (county zoning R-55) except as listed in the following:~

- (1)~~~*Front yard areas:*~ ~
 - a.~~~Passenger vehicles.

(2)~~~*Side and rear yard areas:*~ ~

a.~~~Passenger vehicles.

b.~~~One (1) unoccupied camping trailer.

c.~~~Not more than one (1) commercial vehicle (**PROVIDED IT CONFORMS TO ALL APPLICABLE FEDERAL, STATE, COUNTY AND TOWN LAWS AND REGULATIONS**) not to exceed the manufacturer's gross vehicle weight specification of eighty-five hundred (8500) pounds, which may contain no advertising other than a firm name or similar designation in lettering not exceeding four (4) inches in height, but excluding vehicles exceeding three hundred (300) cubic feet of load space, stake platform trucks, dump trucks, crane or tow trucks, or vehicles with dual rear wheels.

(3)~~~The mayor and town council may grant one (1) exception per residence to the above front yard requirements and allow a vehicle or motor vehicle that is not a passenger vehicle, as defined above, to park in the front yard **SUBJECT TO REASONABLE CONDITIONS AND REGULATIONS** when they determine, after reasonable notice and a public hearing, that the following criteria are met:

a.~~~The applicant for such exception is a resident of the town;

b.~~~The strict observance of the above front yard requirements would cause undue hardship to the resident;

c.~~~The neighboring property occupants have been given opportunity to be heard; and

d.~~~The granting of the exception is not in conflict with the existing county parking and storage ordinances.

(4) ANY EXCEPTION GRANTED PURSUANT TO SUBSECTION (3) IMMEDIATELY ABOVE IS NOT TRANSFERABLE TO ANY OTHER PARTY, IS SUBJECT TO REVOCATION UPON A DEMONSTRATION THAT THE APPLICABLE TOWN REGULATIONS OR CONDITIONS ARE NOT BEING MET.

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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 the 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 November , 2010, 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 January 14, 2010, at which meeting copies were available to the public for inspection.