

Hyattsville Ordinance 2004-13

CITY OF HYATTSVILLE ORDINANCE 2004-13

An Ordinance whereby the City Council amends Chapter 114 VEHICLES AND TRAFFIC, Article IV Residential Parking Zones to the City Code to keep existing zones and clarify the language to provide for a process to establish, modify or withdraw the designations of residential parking zones and allowing for exceptions and enforcement.

WHEREAS, Maryland Annotated Code, Article 23A, Section 2 grants to municipal corporations of the State of Maryland, including the City of Hyattsville, the power to protect the health, comfort and convenience of their citizens; and

WHEREAS, the Maryland Annotated Code Section 26-301 of the Transportation Article grants the City the power to adopt an ordinance regarding parking of vehicles and establish residential parking permits; and

WHEREAS, the Mayor and City Council deem it appropriate to update and clarify their code to provide for the designation or withdrawal of designation of parking zones for the purpose of providing residents with street parking in proximity to their residences.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hyattsville in regular session assembled that Chapter 114, Article IV is hereby amended as follows:

~~[ARTICLE IV~~

~~Residential Parking Zones~~

- ~~§ 114-27. Restrictions for parking in residential parking zones.~~
- ~~§ 114-28. Requirements for establishment of zones.~~
- ~~§ 114-29. Design standards; maintenance of list designating zones.~~
- ~~§ 114-30. Issuance of permit.~~
- ~~§ 114-31. Application for permit; contents; expiration.~~
- ~~§ 114-32. Display of permit; reissuance.~~
- ~~§ 114-33. Temporary permits; duration.~~
- ~~§ 114-34. Violations and penalties.~~
- ~~§ 114-35. Interpretation.]~~

ARTICLE IV

Residential Permit Parking Zones

- § 114-27 Purpose and Legislative Findings.
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[ARTICLE IV

Residential Parking Zones

~~§ 114-27. Restrictions for parking in residential parking zones. [Amended 12-17-84 by HB No. 10-84, and 3-4-91 by HB No. 1-91, amended 6-1-98 by HR 98-02]~~

~~A. It shall be unlawful for any person to park or leave standing any vehicle for any length of time or for more than two (2) hours, as designated by the city, on the days and times posted, without a permit for such zone, in any area that has been designated a residential parking zone.~~

~~B. The maximum penalty for each violation of this section shall be the sum of forty dollars (\$40.). Any person may avoid prosecution for a violation of this section by forfeiting collateral in the amount of twenty-five dollars (\$25.) to the city within five (5) days of the date of the notice of violation or forty dollars (\$40.) at any time before the court date for said violation. [Amended 6-1-98 by HR 98-02]~~

~~§ 114-28. Requirements for establishment of zones. [Amended 3-4-91 by HB No. 1-91]~~

~~Residential parking zones may be established by the Mayor and Council, by ordinance, along the public way of a residential area whenever there is a finding that such a zone is necessary to alleviate traffic congestion or hazards, encourage the use of public transportation, protect the area from air or noise pollution, prevent excessive utilization of the public way, ensure residents of the area reasonable access to nearby parking or to alleviate other conditions that may have an adverse effect on the health, safety or welfare of citizens of the neighborhood.~~

~~§ 114-29. Design standards; maintenance of list designating zones. [Amended 3-4-91 by HB No. 1-91]~~

~~Such zones shall be delineated by designated boundaries (either natural or street boundaries), shall be at least one hundred (100) feet in length and shall be set out in numerical sequence on an official list of ordinances, maintained by the Clerk, which shall designate by suitable description the public ways comprising each zone.~~

~~§ 114-30. Issuance of permits. [Amended 10-5-87 by HB No. 10-87, and 3-4-91 by HB No. 1-91]~~

~~Upon application and payment of a permit fee in such amount as may from time to time be established by the Mayor and City Council, a permit shall be issued to:~~

~~A. Any person who resides on property immediately adjacent to a particular residential parking zone, is a licensed driver and is the owner or principal operator of a motor vehicle; or~~

~~B. Is a bona fide owner occupant or occupant of real property adjacent to said zone and of majority age provided that no more than one (1) permit shall be issued per residential dwelling unit under this subparagraph and no permit has been issued under Subparagraph A.~~

~~§ 114-31. Application for permit; contents; expiration. [Amended 10-5-87 by HB No. 11-87, and 3-4-91 by HB No. 1-91]~~

~~The application for the permit shall contain the name of the owner or principal operator of the motor vehicle; the residential address; the motor vehicle's make, model, registration and tag number; and the number of the applicant's operator's permit or proof of age and residency within the zone; whichever may be applicable. Any or all applicants shall be required to present the motor vehicle registration, operator's permit and proof of age and residency within the zone when making application. All permits issued shall be assigned a corresponding control number and shall expire on the last day of the month issued in the following calendar year.~~

~~§ 114-32. Display of permits; reissuance. [Amended 3-4-91 by HB No. 1-91, 7-1-91 by HB 3-91 and 7-1-91 by HB 3-91]~~

~~The residential parking zone permit shall be affixed to the inside rear view mirror that is attached to the front windshield. In the event the motor vehicle on which the permit is displayed is sold, transferred or demolished, the person to whom the permit was issued must contact the city and provide the information set forth in §114-31, to transfer the existing permit to another vehicle, or the person may obtain a new permit upon application and payment of a permit fee as set forth in §114-30.~~

~~§ 114-33. Temporary permits; duration. [Amended 10-5-87 by HB No. 12-87, and 3-4-91 by HB No. 1-91]~~

~~A. The City Administrator or a designee shall issue to each resident or occupant no more than two (2) guest permits per dwelling unit, entitling a vehicle to park in a residential parking zone.~~

~~Guest permits shall expire on the last day of the month issued in the following year, shall be issued without cost to the resident or occupant and shall be assigned a corresponding control number.~~

~~B. In addition, upon request by any resident or occupant of a residential parking zone and showing that additional permits are temporarily required for a social function or other legitimate purpose, the City Administrator or a designee shall issue to such resident or occupant, without fee, the required number of temporary permits, provided that such temporary permits shall be valid for one (1) day only.~~

~~§ 114-34. Violations and penalties. [Amended 3-4-91 by HB No. 1-91]~~

~~The falsification of any application for a permit, guest permit or temporary permit, the use of any permit, guest permit or temporary permit by other than the permittee and the allowance of such use by a permittee shall all constitute violations of this Article and shall be punishable as misdemeanors. Any person found guilty of committing any of these acts shall be punishable by a fine not to exceed fifty dollars (\$50.), imprisonment not to exceed one (1) day, or both.~~

~~§ 114-35. Interpretation.~~

~~Nothing in this Article shall be construed as authorizing a permittee to violate any traffic regulation, emergency or otherwise, duly promulgated by the city.]~~

**ARTICLE IV
Residential Permit Parking Zones**

§ 114-27 Purpose and Legislative Findings.

A The City Council of the City of Hyattsville is enacting this Article IV in order to:

- (1) Reduce hazardous traffic conditions resulting from nonresidents and residents competing with residents to park their vehicles in certain residential districts;
- (2) Protect the residents of those residential districts from unreasonable burdens in gaining access to their residences;

- (3) Preserve the character of those districts as residential districts;
- (4) Encourage the use of public transportation;
- (5) Promote efficiency in maintaining streets in those residential districts in a clean and safe condition;
- (6) Preserve the value of the property in those residential districts;
- (7) Promote traffic safety and the safety of children and other pedestrians in those residential districts;
- (8) Prevent dangers arising from the blocking of fire lanes, hydrants and other facilities that emergency vehicles require, both in reaching victims and in transporting them to hospitals;
- (9) Facilitate the movement of traffic in the event of accidents and other disasters; and
- (10) To promote the peace, comfort, convenience, and welfare of all inhabitants of the City.

B General Findings. The City Council finds that the continued vitality of the City depends on the preservation of safe, healthy, and attractive neighborhoods and other residential areas. The Council further finds that one factor that threatens the safety, health and attractiveness of the City's neighborhoods is the availability of parking in certain neighborhoods. The number of motor vehicles attempting to park in those areas often exceeds the number of available parking spaces. A preferential parking system for residents in designated neighborhoods will help to reduce the burden of those neighborhoods and, thus, promote the general welfare of the City.

C Specific Findings. The Council makes the following specific legislative findings in support of preferential residential parking to illustrate the compelling need for the enactment of this Article IV. The Council intends the findings as illustrations only and not the only available factual examples supporting adoption of the Article IV:

- (1) The maintenance of the attractiveness and liveability of the City's neighborhoods and other residential areas will enhance the safety, health and welfare of the City's residents;
- (2) On a daily basis a large number of City residents who own motor vehicles must park those vehicles in or near their residences;

(3) Certain neighborhoods and other areas of the City do not have sufficient on or off-street parking to accommodate the convenient parking of residents' motor vehicles;

(4) The influx of motor vehicles from nonresidents that compete for the limited available parking in those areas further burdens the residents of those areas;

(5) The City has certain parking "attractors," including parks, etc. that further aggravate the residents' parking problems;

(6) Unnecessary vehicle miles, air and noise pollution, and the inconvenience of not finding parking caused by the conditions above create unacceptable hardships for the neighborhoods' residents;

(7) If the City allows those adverse conditions to continue unchecked, those adverse conditions will contribute to the decline of the living conditions in the neighborhoods and the attractiveness of residing within the City, resulting in injury to the general public welfare; and

(8) A system of preferential residential parking as enacted by this Article IV will serve to promote the health, safety, and welfare of all of the City's residents by reducing unnecessary motor vehicle travel and air and noise pollution, improving the attractiveness of living in the City's neighborhoods, and encouraging the use of public mass transit facilities available now and in the future. The Article IV also will serve the public welfare by ensuring a more stable and valuable property tax base, in order to generate the revenues necessary to provide essential public services.

§ 114-28 Definitions.

For the purposes of this Article IV, the following words shall have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning:

A City Administrator means the City Administrator or his/her designee.

B Commuter Vehicle means a motor vehicle, other than a resident vehicle as defined below, parked in a residential area in which it is not registered.

C Curbside Parking Space means twenty (20) linear feet of curb, exclusive of those portions of the curb where parking, apart from the provisions of this Article IV, is not presently permitted.

D Motor Vehicle means an automobile, truck, recreation vehicle, motorcycle, or other motor-driven or self-propelled form of transportation, except for vehicles

exceeding a certain size, weight, and/or carrying capacity that may be prohibited from parking on any public street.

E **Resident** means an adult who lives or resides in a structure approved for residential occupancy and can demonstrate exclusive right to occupancy of this residence.

F **Resident Vehicle** means a motor vehicle parked in a residential area in which it is registered and is validly registered with the State of Maryland Department of Motor Vehicles.

G **Residential District** means a contiguous or nearly contiguous area containing public streets and highways or parts thereof **primarily** abutted by residential property or residential and non-commercial property (such as schools, parks, churches, hospitals and nursing homes).

H **Residence** means a dwelling unit.

I **Residential Parking Permit Area** means a residential district where curbside parking on public streets and highways is limited to not more than two (2) consecutive hours per day, unless the vehicle properly displays a parking permit authorized by this Article IV.

J **Vehicle** means any mobile unit whether or not it is self-propelled and designed to travel on the public roads.

§ 114-29 Designation/Withdrawal of Designation of Residential Parking Permit Areas.

A Notice & Hearing.

In order for the City Council to determine whether a residential district, or portion thereof, shall be designated, or shall continue to be designated, as a residential parking permit area, the City Administrator shall conduct, upon the City Administrator's initiative or upon a petition signed by a majority of the residents in the district or portion thereof, a public hearing prior to such designation and prior to the withdrawal of such designation. A notification shall be prominently posted or shall be mailed to every residence in the proposed or existing residential parking permit area. During such public hearing any interested person shall be entitled to appear, to be heard, and to submit a written statement for the record.

B Survey.

To enable the City Council to determine whether a residential district, or portion thereof, shall be designated, or shall continue to be designated, as a residential

parking permit area, the City Administrator shall conduct a block-by-block parking survey of the proposed, or existing, residential parking permit area.

C Criteria.

In determining whether an area may be a residential parking permit area, whether conditions are to be imposed, the City Administrator shall consider factors including but not limited to the following:

- (1) The extent that legal on-street parking spaces are occupied by vehicles during the period proposed for parking restrictions;
- (2) The extent that vehicles parking in the area during the period proposed for parking restrictions are commuter vehicles;
- (3) The extent that residents cannot obtain adequate curbside parking adjacent to or near their residences because of widespread use of available curbside parking spaces by commuter vehicles;
- (4) The effect on the safety of the residents from intensive vehicle parking;
- (5) The extent of air and noise pollution, hazardous conditions, and deterioration of the residential environment as a result of traffic congestion and insufficient parking in the area;
- (6) The extent that the designation of a residential parking permit area would be likely to reduce traffic congestion and any other problems referred to above;
- (7) The extent and need for parking by the general public in the residential district;
- (8) The desire of the residents in the proposed, or existing, residential parking permit area for the institution of a residential parking permit system and the willingness of those residents to bear the costs incidental to the issuance of parking permits authorized by this Article IV; and
- (9) The extent that no reasonable alternative is feasible or practicable that would reduce parking problems and any other problems referred to above without unduly impacting surrounding residential areas.

D Designation/Withdrawal Process.

- (1) Within fifteen (15) days following the close of the public hearing, the City Administrator shall recommend by written report to the City Council, based on the record of the public hearing and the results of the survey,

whether to designate the residential district or portion thereof under consideration as a residential parking permit area or whether to withdraw the designation of an existing residential parking permit area. The report also shall demonstrate that the City Administrator, in making the recommendation, has taken into account the criteria enumerated above. The report shall recommend the number of permits to be issued to each address in the district.

(2) Within thirty (30) days following its receipt of the report, unless the City Council shall vote otherwise, the City Administrator's recommendations shall be effective as to the residential parking permit area.

(3) Nothing in this section shall limit the authority of the City Council over residential parking permit areas.

(4) The City Council or the City Administrator may limit the number of permits issued to all the addresses in a particular residential parking permit area to accomplish the purpose and intent of this Article.

E Posting of Residential Parking Permit Area.

(1) Immediately following the effective date of the City's designation or withdrawal of designations, appropriate parking signs shall be erected or moved in the designated area.

(2) The signs shall indicate prominently that curbside parking on public streets in the designated area is prohibited unless the vehicle properly displays a parking permit authorized by this Article IV.

F Notice to Residents of Designation of Residential Parking Permit Area.

(1) Following the effective date of the designation, the City Administrator shall provide to every residence within the designated residential parking permit area a Notice of Designation that shall inform the residents in the designated area of:

(a)(1) The existence, exact location, and numerical designation of the residential parking permit area;

(b)(2) The parking restrictions applicable to all vehicles in curbside parking spaces along public streets and highways in the designated area that do not properly display a parking permit authorized by this Article IV; and

(c)(3) The procedures to obtain a residential or temporary parking permit.

G Withdrawal of Designation.

(1) Following City action to withdraw the designation of an existing residential parking permit area, the City Administrator shall provide to every residence within the existing residential parking permit area a notice of the Council's withdrawal of the designation. Said notice shall specify the effective date of the withdrawal of the designation.

(2) The effective date of the withdrawal of the designation of an existing residential parking permit area shall ordinarily be thirty (30) days following the date of the City's action to withdraw the designation.

H Temporary Designation/Withdrawal of Designation.

Notwithstanding any other provision of this Article IV, the City Administrator may either establish or temporarily withdraw the designation of all or part of a residential parking permit area or areas on a trial basis for a period not to exceed one hundred twenty (120) days.

<P. §114-30 Issuance & Transfer of Residential Parking Permits.

A Issuance.

(1) An Application for Residential Parking Permit. The applicant is to provide at a minimum the following information for each motor vehicle to receive a residential parking permit:

(a) The name and residential address of the owner of the vehicle;

(b) The name, residential address, and driver's license number of the principal operator of the vehicle;

(c) The make, model, license plate number and vehicle identification number of the vehicle; and

(d) The name, address and signature of the applicant for the residential parking permit.

(2) The applicant shall demonstrate proof of residency in the particular zone and verification of the resident being the principal driver of the vehicle in a manner determined by the City Administrator, which may include but is not limited to utility bills, lease, driver's license, title, etc.

(b)(3) Subject to the limitations outlined in this Article IV, upon the applicant's payment of a ten dollar (\$10.00) residential parking permit fee, submission of a completed and validated residential parking permit application, and fulfillment of all applicable provisions of this Article IV

controlling issuance, or transfer of residential parking permits, the applicant may receive one (1) residential parking permit for the motor vehicle described in the application. The residential parking permit shall be securely affixed to the inside of the vehicle at a location directed by the City Administrator and shall display the permit number and numerical designation of the residential parking permit area.

B Other Requirement.

(1) No residential parking permit shall be issued to a vehicle whose principal operator does not reside within the designated residential parking permit area.

(2) The applicant for, and holder of, the residential parking permit shall be the owner or principal operator of the vehicle receiving the parking permit.

(3) A motor vehicle shall be issued a residential parking permit only if it displays valid license plates that are allowed to those residing in Maryland under Maryland law.

(4) No residential parking permit shall be issued for any motor vehicle for which a citation issued by the City remains unpaid. Upon notice to the resident of an unpaid citation that is legally due, the City may revoke the permit.

EC Transfer.

Upon the holder's payment of a ten dollar (\$10.00) residential parking permit transfer fee, submission of complete and validated residential parking permit application, fulfillment of all applicable provisions of this Article IV controlling issuance, renewal, or transfer of residential parking permits, and surrender of the existing residential parking permit, the holder shall receive a new residential parking permit to be transferred to another qualifying vehicle.

FD Replacement.

Upon the holder's payment of a ten dollar (\$10.00) residential parking permit replacement fee, verification of the holder's prior submission of a completed and validated residential parking permit application, fulfillment of all applicable provisions of this Article IV controlling issuance, renewal, or transfer of residential parking permits, and affirmation that the holder's permit was lost, stolen, or destroyed, the holder shall receive a new residential parking permit. The lost, stolen or destroyed permit shall be considered void, and any use of a voided permit is prohibited.

§114-31 Temporary Permits.

A Issuance of Temporary Permits.

Upon application of any resident of a residential parking permit area and upon good cause being shown, the City Administrator may issue a temporary parking permit to the resident for a vehicle to be limited to that particular parking permit area and subject to conditions and limits reasonably imposed by the City Administrator for a fee of one dollar (\$1.00) per permit. Upon application and showing of good cause, the City Administrator may also issue to a resident an unlimited number of temporary permits for a period of no more than twenty four (24) hours for a fee of one dollar (\$1.00) per permit. Such unlimited twenty four (24) hour permits may be issued no more than once in any six (6) month period for any address. For the purposes of this Article IV, the resident shall be the holder of and responsible for the use and misuse of temporary parking permits issued to the resident.

CB Display of Visitor Parking Permits.

(1) All temporary parking permits shall be displayed on or about the front windshield of the vehicle so as to be easily visible from outside the vehicle. Such parking permits shall contain the permit number and the numerical designation of the residential parking permit area.

§114-32 Use of Parking Permits & Exemptions.

A A parking permit shall not guarantee or reserve a parking space within a designated residential parking permit area. A parking permit shall not authorize the standing or parking of any vehicle in such places and during such times when the stopping, standing or parking of vehicles is prohibited or set aside for specified types of vehicles, and shall not excuse the observance of any traffic regulation.

B Whenever the holder of a parking permit, or the vehicle for which the parking permit was issued, no longer fulfills one or more of the applicable provisions of this Article IV controlling issuance, renewal or transfer of parking permits, the permit shall be deemed to have expired and the holder shall notify the City Administrator, who may then direct the holder to surrender the parking permit.

C Until its expiration, surrender or revocation, a parking permit shall remain valid for such time as the holder continues to reside within the designated residential parking permit area.

D A parking permit shall be valid only in the residential parking permit area for which it is issued.

E It shall be a violation of this Article IV for the holder of a parking permit to fail to surrender the permit when directed to do so.

F It shall be a violation of this Article IV for any person to represent in any fashion that a vehicle is entitled to a parking permit authorized by this Article IV when it is not so

entitled. The display of a parking permit on a vehicle not entitled to such a parking permit shall constitute such a representation.

G It shall be a violation of this Article IV for any person to duplicate, or attempt to duplicate, by any means, a parking permit authorized by this Article IV. It also shall be a violation of this Article IV for any person to display on any vehicle such a duplicate parking permit.

H Exemptions.

(1) Whenever metered parking is in effect in any portion of a residential parking permit area, the parking spaces controlled by meters shall be excepted from the provisions of this Article IV so long as the control by meters continues.

(2) The provision of this Article IV shall not supersede the provisions of the City Code and state laws relating to parking by disabled persons.

(3) The following vehicles are specifically exempted from the parking restrictions imposed by this Article IV:

(a) A motor vehicle owned by or operated under contract to a utility when used in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work in the designated residential parking permit area.

(b) A motor vehicle identified as owned by or operated under contract to a federal, state, or local governmental agency and being used in the course of official government business.

(c) An authorized emergency vehicle as defined by state law.

§114-33 Regulations & Enforcement.

The City Administrator is authorized to establish all written regulations and procedure necessary to implement and enforce the provisions of this Article IV and collect all fees and fines. The regulations shall include a reasonable period prior to enforcement of the parking restrictions to allow for short visits or stops in such residential zones.

§114-34 Restriction & Penalty.

A It shall be unlawful for any person to park or leave standing any vehicle for any length of time designated on the posted signs in a designated residential permit parking zone, without a permit for such zone. Unless otherwise provided, the penalty for each parking violation of this Article IV shall be a fine of fifty dollars (\$50.).

B It shall be a municipal infraction for any person to violate any provisions of this Article IV other than the parking provisions as outlined immediately above. The penalty shall be one hundred dollars (\$100.).

C The falsification of any application for a permit, guest permit or temporary permit, the use of any permit, guest permit or temporary permit by other than the permittee and the allowance of such use by a permittee shall all constitute violations of this Article IV, punishable as a municipal infraction.

§114-35 Revocation of Permit, Severability.

A In addition to the penalties provided above for violation of this Article IV the City Administrator may revoke the residential parking permit of any person found to be in violation of this Article IV, and, upon written notification thereof, the person shall surrender such permit to the City Administrator. Failure to surrender a revoked residential parking permit when requested to do so shall constitute a separate municipal infraction.

B Nothing in this Article IV shall be construed as authorizing a permittee to violate any traffic regulation, emergency or otherwise, duly promulgated by the City.

C Severability.

Severability is intended throughout and within the provisions of the Article IV. If any section, subsection, sentence, clause, phrase or portion of this Article IV is held to be invalid, or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Article IV.

D The parking districts in existence on September 20, 2004 shall remain in effect until they are modified or withdrawn pursuant to this Article.

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 twenty (20) days from the date of its adoption;

AND BE IT FURTHER ORDAINED that a fair summary of this ordinance shall forthwith be published twice in a newspaper having general circulation in the City and otherwise be made available to the public.

INTRODUCED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on August 2, 2004.

ADOPTED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on September 20, 2004.

ATTEST:

Douglass A. Barber, City Clerk

William F. Gardiner, Mayor

[] indicate deletions

CAPS/**BOLD** indicate additions

Asterisks * * * Indicate matter retained in existing law but omitted herein