

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 5/16/2000

Reference No.: CR-20-2000

Proposer: Wilson

Draft No.: 1

Sponsors: Wilson

Item Title: A Resolution approving the enactment of Ordinance
No. 0-01-00 amending Chapter 18 of the Code of the
Town of Cheverly concerning abandoned vehicles

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Eugene Singleton
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: __/__/__

Executive Action: __/__/__

Committee Referral: 4/25/2000 PZED

Effective Date: __/__/__

Committee Action: 5/10/2000 FAV

Date Introduced: 4/25/2000

Public Hearing: __/__/__ :__ __

Council Action: 5/16/2000 ADOPTED

Council Votes: DB:A, JE:A, IG:A, TH:A, WM:A, RVR:A, AS:A, PS:A, MW:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 5/10/2000

Committee Vote: Favorable, 4-0 (In favor: Council Members Russell, Maloney, Scott and Wilson).

Staff gave an overview of the resolution and informed the Committee of a concern raised in a memorandum received from the Office of Law. Council Member Wilson explained that the Town of Cheverly has been experiencing problems with abandoned vehicles parked in areas throughout the Town. The enactment of Ordinance 0-01-00 is an effort to rectify these ongoing problems.

Kathleen Canning, Associate County Attorney, explained that Section 8-112.1 of Article 28 of the Maryland Annotated Code authorizes municipalities within the Maryland-Washington Metropolitan District to enact certain zoning ordinances, including certain residential parking ordinances. Ms. Canning commented that as enacted, Ordinance 0-01-00 amending Chapter 18 of the Cheverly Code

concerning abandoned vehicles, exceeds the scope of authority granted to the municipality under State law in Section 8-112.1, as it pertains to commercial parking and commercial storage of abandoned and inoperable vehicles. However, Ordinance 0-01-00 contains a severability provision and it is likely if the commercial parking and commercial storage provisions of the Ordinance were successfully challenged the provisions regarding residential parking would remain. The Committee determined that the Council's resolution is necessary to approve those portions of the ordinance dealing with residential parking.

The County Executive takes no position on the resolution. The Office of Audits and Investigations has determined there should be no negative fiscal impact on the County as a result of enacting CR-20-2000.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

Section 8-112.1 of Article 28 of the Maryland Annotated Code authorizes municipalities within the Maryland-Washington Metropolitan District to enact ordinances affecting parking on land either zoned for residential or commercial use or adjacent to residential or commercial zones for the purpose of preserving, improving and protecting the general character and design of lands within the corporate limits of the municipality, provided that such ordinances impose stricter or additional limitations or restrictions than are otherwise imposed by the County zoning regulation. The proposed resolution approves the recent amendments to the Town of Cheverly Code regarding abandoned vehicles.

CODE INDEX TOPICS: