

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
1998 Legislative Session

Bill No. CB-81-1998
 Chapter No. 58
 Proposed and Presented by Chairman (by request – County Executive)
 Introduced by Council Members Del Giudice, Bailey and Wilson
 Co-Sponsors _____
 Date of Introduction July 7, 1998

BILL

1 AN ACT concerning

2 Parking Authority

3 For the purpose of amending the definition of the Parking Authority, amending penalties for
 4 certain parking violations, clarifying that vehicle impoundment may occur for violation of
 5 parking regulations, and generally expanding enforcement procedures by the Parking Authority.
 6 BY repealing and reenacting with amendments:

7 SUBTITLE 26. VEHICLES AND TRAFFIC.

8 Sections 26-101, 26-123, 26-132, 26-134, 26-140, 26-148,
 9 26-149.01, 163.01, 26-163.02,
 10 and 26-168,

11 The Prince George's County Code
 12 (1995 Edition, 1997 Supplement)

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 14 Maryland, that Sections 26-101, 26-123, 26-132, 26-134, 26-140, 26-148, 26-149.01, 26-163.01,
 15 26-163.02, and 26-168 of the Prince George's County Code be and the same are hereby repealed
 16 and reenacted with the following amendments:

17 SUBTITLE 2. ADMINISTRATION.

18 DIVISION 27. PARKING AUTHORITY

19 **Sec. 2-399. Parking Authority Created.**

20 There is hereby created, as a distinct and separate entity, pursuant to Sections [267] 14-301
 21 through [278] 14-312, inclusive, of Article 41, [titled" Parking Authority Act", of the] Annotated

Code of Maryland, a body corporate and politic known as the Parking Authority of Prince George's County, hereinafter referred to as the "Authority". The Authority may exercise all the powers and functions granted to it by State law and this Division. It may do any other and all corporate acts for the purpose of carrying out its functions under State law and this Division. (CB-74-1978; CB-100-1985)

SUBTITLE 26. VEHICLES AND TRAFFIC.

DIVISION 1. ADMINISTRATIVE PROVISIONS.

Sec. 26-101. Definitions.

(a) For the purposes of this Subtitle, the following words and phrases shall have the meanings respectively ascribed to them hereunder:

* * * * *

(10) **Operate a Bicycle** means to propel a bicycle by human power or to walk or stand with or otherwise be in control of a bicycle incidental to its propulsion, but does not include the carrying or transporting of a bicycle, without any passenger or rider thereupon, in any vehicle or carton or by any other similar means.

(11) **Parking Authority** means the Parking Authority of Prince George's County.

(12) **Passenger Loading Zone** means a place reserved for the exclusive use of vehicles while receiving or discharging passengers.

(13) [(12)] **Public Agency** is the Prince George's County Government or the Washington Metropolitan Area Transit Authority.

(14) [(13)] **Public Bicycle Area** means any highway, street, sidewalk, bicycle path, or other facility or area maintained by the State or designated, established, or maintained by the County pursuant to this Subtitle for the exclusive or nonexclusive use of bicycles.

(15) [(14)] **Public Parking Facility** means those properties in Prince George's County owned or leased by Prince George's County and designated for public parking; and those properties in Prince George's County owned or leased and operated by the Washington Metropolitan Area Transit Authority or the [Prince George's County] Parking Authority and designated for public parking.

(16) [(15)] **State** means the State of Maryland.

* * * * *

DIVISION 8. PARKING REGULATIONS.

Sec. 26-123. Overnight and weekend parking of commercial buses, trailers, and trucks restricted; impounding; penalty.

(a) No person shall park any commercial bus, commercial trailer or heavy commercial truck on any street or highway in the County, outside the corporate limits of any municipality, between the hours of 6:00 P.M. and 6:00 A.M. each day of the week or at any time on Sundays or holidays.

(b) This Section shall not apply to vehicles which are in the course of a commercial purpose and do not park for more than a two (2) hour period.

(c) Any vehicle which is parked in violation of this Section shall be subject to being towed by the Police Department or the Parking Authority from such highway or street and impounded after it has been parked for a twenty-four (24) hour period. The impoundment of the vehicle shall be done pursuant to Division 18 of this Subtitle.

(d) Any person issued a citation for a violation of this Section shall be subject to a fine of Twenty-five Dollars (\$25.00) for each violation.

(e) If any municipality in Prince George's County shall adopt this Section as it may be amended from time to time and without modification, and request that the County enforce the provisions hereof within the corporate limits of such municipality, the County shall hereafter administer and enforce the provisions of this Section within such incorporated municipality.

Sec. 26-132. Use of parking meters; impounding; penalty.

(a) No person shall park, store, or leave any vehicle of any kind, whether attended or not, and no owner of any vehicle shall allow, permit, or suffer the vehicle to be parked, stored, or left, whether attended or not, upon any property upon which have been erected parking meters by the Director, except in strict conformance with the designated use, time, and other conditions appearing on or about any parking meters erected thereon.

(b) Any vehicle found parked, stored, or left in violation of the conditions found on or about any parking meter may be impounded by the Police Department or the Parking Authority, or any County work force. The impoundment of the vehicle shall be done pursuant to Division 18 of Subtitle 26 of this Code.

(c) Any person issued a citation for a violation of this Section shall be subject to a fine of not more than Fifteen Dollars (\$15.00) for each offense.

Sec. 26-134. Enforcement of parking regulations.

(a) It shall be the duty of the Police Officers of the County, or any other County employees specifically designated by the County Executive, to enforce the provisions of this Division.

(b) The [Prince George's County] Parking Authority may designate persons to enforce the provisions of this Division for property owned or operated by the [Prince George's County] Parking Authority or other such public parking facilities or streets and highways as may be designated by Executive Order and approved by the County Council for enforcement by the Parking Authority.

Sec. 26-140. Parking area violation; penalty.

(a) No person shall park any vehicle or use any parking permit in a manner contrary to the regulations and provisions established by the County Executive pursuant to this division.

(b) Any person issued a citation for a violation of this Section shall be subject to a fine of Fifty Dollars (\$50.00) for each violation.

(c) It shall be the duty of the Police Officers of the County, or any other County employees specifically designated by the County Executive, to enforce the provisions of this Division. The Police Department is authorized to impound and remove any vehicle parked in violation of the regulations and provisions established pursuant to this Division without prior notice pursuant to Division 18 of this Subtitle.

(d) The [Prince George's County] Parking Authority may designate persons to enforce the provisions of this Division for property owned or operated by the [Prince George's County] Parking Authority or other such public parking facilities or streets and highways as may be designated by Executive Order and approved by the County Council for enforcement by the Parking Authority.

DIVISION 11. PUBLIC PARKING AREAS.

Sec. 26-148. Obedience to public parking area regulations.

(a) It shall be a violation of this Division for any person to disobey any directions on any official traffic control device or any of the other provisions of this Division.

(b) Any vehicle parked in violation of this Division or otherwise parked so as to constitute a definite hazard to public safety or is so parked, stopped, or standing so as to impede or obstruct the normal movement of traffic or pedestrians, may be impounded by members of the Police Department or the Parking Authority, or other authorized persons designated by the Chief of

Police pursuant to Division 18 of this Subtitle.

Sec. 26-149.01. The [Prince George's County] Parking Authority of Prince George's County.

The [Prince George's County] Parking Authority may designate persons to enforce the provisions of this Division for public parking facilities owned, leased, or operated by the [Prince George's County] Parking Authority or such other public parking facilities or streets and highways as may be designated by Executive Order and approved by the County Council for enforcement by the Parking Authority.

DIVISION 15. PENALTIES.

Sec. 26-163.01. Payment of fines; penalty for late payment.

(a) Unless a person elects to stand trial pursuant to Section 26-303 of Article "Transportation," Annotated Code of Maryland, the following shall apply:

(1) Any person issued a citation for violation of any Section of this Subtitle shall pay the fine imposed as a penalty for violation of that Section at the Treasury Division, Office of Finance, within [fifteen (15)] thirty (30) days from the date of notice of violation;

(2) Any person who fails to pay a required fine within [fifteen (15)] thirty (30) days of the date of notice of violation shall pay at the Treasury Division, Office of Finance:

(A) Twice the amount of the fine if paid after [fifteen (15)] thirty (30) days but not more than [thirty (30)] sixty (60) days after the date of notice of violation; or

(B) Four times the amount of the fine if paid more than [thirty (30)] sixty (60) days after the date of notice of violation.

(c) Any fine that is not paid within ninety (90) days of the date of the notice of violation shall be considered delinquent and shall be subject to the provisions of Section 26-163.02.

Sec. 26-163.02. Outstanding traffic and parking violation notices; impoundment.

(a) Any unattended motor vehicle found parked at any time upon any public street in Prince George's County, or any parking facility owned or operated by the Parking Authority or Prince George's County, against which there are two or more outstanding or otherwise unsettled traffic and/or parking violation notices or against which there have been issued two or more warrants, may, by, or under the direction of the County Police Department or the Parking Authority, either by towing or otherwise, be removed or conveyed to and impounded in any place designated by the Chief of Police or the Parking Authority, or immobilized in such manner

1 as to prevent its operation, except that no such vehicle shall be immobilized by any means other
 2 than by the use of a device or other mechanism which will cause no damage to such vehicle
 3 unless it is moved while such device or mechanism is in place.

4 (b) The impoundment or immobilization of a vehicle shall be done pursuant to Division 18
 5 of this Subtitle. In any case involving immobilization of a vehicle pursuant to this Subsection,
 6 such member or officer shall cause to be placed on such vehicle, in a conspicuous manner, notice
 7 sufficient to warn any individual to the effect that such vehicle has been immobilized and that
 8 any attempt to move such vehicle might result in damage to such vehicle.

9 (c) The owner of such impounded or immobilized motor vehicle, or other duly authorized
 10 person, shall be permitted to repossess or to secure the release of the vehicle upon presentation of
 11 a "Certificate of No Probable Cause" or upon satisfaction of all outstanding traffic and/or parking
 12 violation notices and reimbursement of all towing, storage, and other costs incurred as a result of
 13 the impoundment or immobilization.

14 **DIVISION 18. IMPOUNDMENT.**

15 **Sec. 26-168. Impoundment; notice to owner.**

16 (a) Within two (2) full County working days after impoundment of any vehicle pursuant to
 17 Section 26-166 (a)(1) through (7) of this Code, the police department or Parking Authority shall
 18 mail a notice by registered mail to the last known registered owner of the vehicle and to each
 19 secured party, as may be disclosed by the vehicle license number, if such be obtainable, and to
 20 any other person who claims the right to possession of the vehicle, if such a claim is actually
 21 known to an officer, agent, or employee of the police department who has knowledge of the
 22 impoundment. If a police officer who has knowledge of the impoundment has reason to believe
 23 that an owner or one who claims the right to possession of the vehicle is residing or is in custody
 24 at some different address which is known to the officer, a copy of the notice shall also be mailed
 25 by regular mail to such owner or claimant at the known address. If a vehicle is redeemed prior to
 26 the mailing of such notice, then notice need not be mailed.

27 (b) The notice shall contain the following:

- 28 (1) A statement as to the reason why the vehicle has been impounded;
- 29 (2) The year, make, model, and vehicle identification number of the vehicle;
- 30 (3) The location of the impoundment facility where the vehicle is being held;
- 31 (4) A statement that the vehicle owner or secured party has the right to a hearing to

1 contest the validity of the impoundment at any time within twenty-one (21) calendar days of the
2 date of such notice by filing a request for hearing with the Police Department on a request form
3 which shall be included with such notice; and

4 (5) A statement that the owner or the secured party [has] may have a right, depending
5 upon the reason for the impoundment, to reclaim the vehicle upon payment of all outstanding
6 parking violations and all towing and storage charges resulting from the storage and towing of
7 the vehicle.

8 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
9 calendar days after it becomes law.

Adopted this 28th day of July, 1998.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ronald V. Russell
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.