

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2018 Legislative Session

Bill No. CB-58-2018

Chapter No. _____

Proposed and Presented by Council Member Taveras

Introduced by Council Member Taveras

Co-Sponsors _____

Date of Introduction September 25, 2018

BILL

1 AN ACT concerning

2 Residential Parking

3 For the purpose of restricting eligibility for certain residential parking permits; requiring a
4 certain study; providing for certain parking permit fees; clarifying provisions regarding penalties
5 and offenses; and generally relating to residential parking and commercial trucks.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 26. VEHICLES AND TRAFFIC.

8 Section 26-123 and 26-141.01,

9 The Prince George's County Code

10 (2015 Edition; 2017 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Sections 26-123 and 26-141.01 of the Prince George's County Code be and the
13 same are hereby repealed and reenacted with the following amendments:

14 **SUBTITLE 26. VEHICLES AND TRAFFIC.**

15 **DIVISION 9. PARKING PERMIT AREAS.**

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

18 (a) No person shall park any commercial bus, commercial trailer, or heavy commercial
19 truck on any street or highway in the County, outside the corporate limits of any municipality.

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

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

5 (d) Any person issued a citation for a violation of this Section shall be subject to a fine
6 of Five Hundred Dollars (\$500.00) for each violation. For the purpose of determining the
7 penalty under this Section, each day of a violation is a separate offense.

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

12 * * * * *

13 **Sec. 26-141.01. Parking Permit Areas Designated by Petition.**

14 (a) Definitions. The following definitions are applicable in Section 26-141.01 of the
15 County Code:

16 (1) **Authority** means the Prince George's County Revenue Authority or its Executive
17 Director.

18 (2) **Heavy Commercial Truck** means trucks except light commercial vehicles.

19 (3) **Inoperable Vehicle** means a vehicle with one or more of its major mechanical
20 components, including but not limited to engine, transmission, drive train and wheels, is missing
21 or not functional unless such vehicle is kept in an enclosed building or as permitted by Subtitle
22 13 or Subtitle 27 of the Code.

23 (4) **Light Commercial Vehicles** include pickups, panel trucks and work vans up to and
24 including those of a ¾-ton capacity and Maryland Motor Vehicle Administration registration
25 restricting vehicles to 10,000 pounds gross vehicle weight

26 (5) **Residential Parking Permit Area** means the designation of the County roads,
27 streets, subdivisions and other areas as residential parking permit area in which the parking of
28 vehicles is restricted during specified times, unless a proper parking permit or other identifiable
29 device is displayed in or on the vehicle.

30 (6) **Parking Permit** means a placard, sticker or other identifiable device that specifies
31 the vehicle is authorized to park in the Residential Parking Permit Area.

32 (b) The residents of a proposed parking permit area may petition the Authority to become a

1 Residential Parking Permit Area. For parking permit areas designated by petition the following
 2 shall be necessary for the designation of a Residential Parking Permit Area:

3 (1) The area shall be one consisting solely of residential uses and in which commercial
 4 and industrial uses do not exist.

5 (2) A residential street or area may be considered for parking permit restrictions upon
 6 request of the residents affected or upon request of an elected official of the County by
 7 submitting a petition.

8 (3) A petition indicating that at least sixty percent (60%) of the residential property
 9 owners or lease holders in the permit parking area approve the parking permit area is required. A
 10 petition, with the required sixty percent (60%) of the residential property owner or lease holder
 11 signatures, shall be submitted to the Authority. The Authority shall accept one authorized
 12 signature per property in the proposed Residential Parking Permit Area.

13 (c) The parking permit area petition shall include, in addition to subsection (b) (1), (2) and
 14 (3):

15 (1) The designation of what County roads, streets, subdivisions and other areas are to
 16 be designated as a Residential Parking Permit Area.

17 (2) That the parking restrictions shall apply at all times except that nonresident parking
 18 is allowed for periods of three (3) hours or less between the hours of 7 A.M. and 6 P.M., Monday
 19 through Saturday, excluding holidays; however, the petitioners may prescribe other hours and
 20 days when the parking restrictions are operative in the petition.

21 (d) (1) The Authority shall review the petition and evaluate the designation as a
 22 Residential Parking Permit Area, including providing referrals to such County departments or
 23 agencies as necessary, and to schedule a public hearing, pursuant to this subsection, within
 24 ninety (90) days of receipt of the petition.

25 (2) Before a parking permit area is established by petition or terminated, the Authority
 26 or its designee shall cause a public hearing to be held. The hearing shall be held at a location
 27 within or reasonably adjacent to the area of the proposed parking permit area and shall be
 28 preceded by due public notice published in a County newspaper of record. The public notice
 29 shall state the time, place, and purpose of the hearing, the exact description of the area being
 30 considered and the time proposed for restrictive parking. In addition to the published notice, the
 31 Authority shall mail a similar notice to each household within the parking permit area.

32 (3) (i) After the public hearing, the Authority shall approve, deny or modify the

1 parking permit area within sixty (60) days of the public hearing. The Authority shall specify in
 2 writing the grounds for the approval, denial or modification and provide notice to the petition
 3 signatories and to the elected official of the County making the request.

4 (ii) In case of a denial by the Authority, the petition signatories may appeal the
 5 decision of the Authority to the Director on such reasonable grounds or by showing a petition
 6 indicating that ninety percent (90%) of the property owners or lease holders in the proposed
 7 permit parking area approve of the designation.

8 (4) Following a designation of a Residential Parking Permit Area, the Authority shall
 9 cause parking signs to be placed in the area indicating the parking restrictions and the parking
 10 permit exceptions.

11 (e) After at least twelve months period of operation, the Authority may accept petitions,
 12 signed by at least sixty percent (60%) of the residential property owners or lease holders in the
 13 permit parking area, for the termination of Residential Parking Permit Area. The Authority shall
 14 follow the public hearing and notification procedures in Section 26-141.01(d)(2) before
 15 terminating a Residential Parking Permit Area.

16 (f) (1) The following vehicles are not eligible for parking permits in a residential parking
 17 permit area: (i) vehicles with out-of-state license plates, except those registered to a member of
 18 the military, a impact of commercial vehicles in residential parking Federal, State, County or
 19 other governmental vehicle or student temporarily residing in the Residential Parking Permit
 20 Area; (ii) inoperable vehicles; (iii) vehicles lacking current registration; (iv) heavy
 21 commercial trucks; and (v) any vehicle with commercial license plates.

22 (2) As provided in Section 26-122 of the County Code, no person shall park or allow to
 23 stand any vehicle on any of the public streets or roadways in the County for a period in excess of
 24 seventy-two (72) hours.

25 (3) As provided in Section 26-162 of the County Code, the removal of abandoned and
 26 inoperable vehicles is required within forty-eight (48) hours.

27 (g) The following vehicles are exempt from the provisions of this Section, emergency
 28 vehicles, and public utility vehicles, heavy commercial trucks, light commercial vehicles [with or
 29 without dual rear wheels] or other service vehicles, if they are in the course of conducting work
 30 within the designated residential parking permit area.

31 (h) Parking permits shall be issued, to be renewable every two years, through the
 32 Authority subject to a fee of free for the first permit; Twenty-Five Dollars (\$25.00) for the

1 second permit; Fifty Dollars (\$50.00) for the third permit; and if applicable, One Hundred
 2 Dollars (\$100.00) for the fourth and for each subsequent permit. A maximum of three
 3 residential permits per household is allowed, unless the residents of a zone petition otherwise.
 4 Parking permits shall specify the vehicle and its owner and if any guest permits authorized. The
 5 Authority may limit the number of guest permits issued, including for light commercial vehicles,
 6 not to exceed 100 per year. Guest permits shall be valid for no more than 72 hours. Sixty percent
 7 of households in a zone may petition to change the standard to have fewer or more than three
 8 residential permits.

9 (i) Parking permit application shall require proof of residency within the designated area
 10 and proof of vehicle ownership or other authority to operate the vehicle. Parking permits will not
 11 be issued for vehicles where the registration information does not match the name and address of
 12 the resident, except as provided in subsection (f)(1)(i) of this section or by Authority rule or
 13 regulation.

14 (j) The Authority shall administer the residential parking permit areas by petition, may
 15 promulgate such rules and regulations as necessary to carry out the provisions of this Division
 16 and is authorized to engage such businesses, consultants and experts to assist in their duties in
 17 administering the parking permit areas by petition.

18 (k) Enforcement of the parking permit areas by petition established by this Division shall be
 19 the same as in Section 26-140 of the County Code.

20 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 21 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 22 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 23 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 24 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 25 Act, since the same would have been enacted without the incorporation in this Act of any such
 26 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
 27 or section.

28 SECTION 3. BE IT FURTHER ENACTED that the Authority shall undertake a study of
 29 the definition of commercial vehicle and the impact of commercial vehicles in residential
 30 parking zones. Authority recommendations shall accompany the study which shall be submitted
 31 to the County Council six months following the effective date of this Act.

1 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect 12 months after it
2 becomes law.

Adopted this ____ day of _____, 2018.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Dannielle M. Glaros
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council
APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.