

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2016 Legislative Session

Bill No. CB-63-2016

Chapter No. 62

Proposed and Presented by Council Member Taveras

Introduced by Council Member Taveras, Davis, Harrison, Lehman and Franklin

Co-Sponsors _____

Date of Introduction October 18, 2016

BILL

1 AN ACT concerning

2 Parking Regulations

3 For the purpose of prohibiting parking, standing and/or selling vehicles on certain roads, areas
4 and spaces; defining curbstoning; providing for the seizure of vehicles; regarding "For Sale"
5 signs in vehicles; providing for enforcement; providing for fines and penalties; providing for
6 abandoned vehicles; and generally relating to parking, standing and/or selling of vehicles.

7 BY repealing and reenacting without amendments:

8 SUBTITLE 26. VEHICLES AND TRAFFIC.

9 Section 26-101,

10 The Prince George's County Code

11 (2015 Edition).

12 BY adding: SUBTITLE 26. VEHICLES AND TRAFFIC.

13 Section 26-122.01 and 26-122.02,

14 The Prince George's County Code

15 (2015 Edition).

16 BY repealing and reenacting with amendments:

17 SUBTITLE 26. VEHICLES AND TRAFFIC.

18 Section 26-127.04,

19 The Prince George's County Code

20 (2015 Edition).

21 BY repealing and reenacting with amendments:

SUBTITLE 26. VEHICLES AND TRAFFIC.
Section 26-162,
The Prince George's County Code
(2015 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 26-101 of the Prince George's County Code be and the same is hereby repealed and reenacted without amendments:

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:

* * * * *

(22) Unpaved Area of a Residential Lot means, in any yard of a lot with one or more dwellings, an area not covered by asphalt, brick, block, concrete, or other structural material able to hold the weight of a vehicle, but does not include the uncovered area of a driveway with paved tracks for vehicle wheels.

(23) Vehicle means any automobile, trailer, or other vehicle of a type required to be registered with the Maryland Motor Vehicle Administration.

(b) Whenever any words and phrases used herein are not defined herein but are defined in the State laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 26-122.01, and 26-122.02 of the Prince George's County Code be and the same are hereby added:

SUBTITLE 26. VEHICLES AND TRAFFIC.
DIVISION 8. PARKING REGULATIONS.

Sec. 26-122.01 Curbstoning, parking and/or selling or offering for sale vehicles on County roads, County property, County right of way, prohibited; providing for the seizure of vehicles.

(a) Pursuant to State law, Transportation Article, Section 15-101 of the Annotated Code of

1 Maryland, a person who offers to sell three or more vehicles during any 12-month period is
 2 presumed to have acquired the vehicles for resale purposes. A person who sells the referenced
 3 amount of cars during the stated time period is deemed to be a dealer and is subject to obtaining
 4 a dealer license pursuant to State law. Persons committing curbstoning are deemed to be selling
 5 vehicles as an unlicensed vehicle dealer, subject to State regulation.

6 (b) Curbstoning may also consist of one or more of the following criteria:

- 7 (1) The license plates are out of State, issued temporarily, are dealer tags and/or are
 8 missing altogether;
- 9 (2) The seller admits that he/she is a dealer but says that it is a personal vehicle;
- 10 (3) The seller insists on a cash payment;
- 11 (4) The vehicle's title is not in the seller's name;
- 12 (5) The seller offers to do the tag and title paperwork;
- 13 (6) The title is recently issued or the seller refuses to show you the title;
- 14 (7) The seller gives only a pager or cell phone number;
- 15 (8) The same number is listed for multiple vehicles in the newspaper or outdoor
 16 location;
- 17 (9) The vehicles are for sale by the roadside;
- 18 (10) The seller wants to meet at a different location other than his or her residence; and
- 19 (11) Any one of these criteria may be indicative, but not conclusive, of curbstoning.

20 (c) Unless otherwise permitted by law, a person shall not sell or offer to sell a vehicle or
 21 vehicles on any County roads, County property or in a County right of way.

22 (d) After receiving a warning from an enforcement agency, which may include the Prince
 23 George's County Police Department, a person that continues to sell or offers to sell a vehicle or
 24 vehicles in violation of this Act, shall be subject to the enforcing agency, which may include the
 25 Department of the Environment, seizing the vehicle or vehicles and taking them to a County
 26 storage facility.

27 **Sec. 26-122.02 For Sale vehicles.**

28 (a) A vehicle may be deemed to be "for sale", based on regulations promulgated by the
 29 enforcement agencies, regardless of whether or not it has a For Sale sign.

30 SECTION 3. BE IT ENACTED by the County Council of Prince George's County,
 31 Maryland, that Section 26-127.04 of the Prince George's County Code be and the same is hereby

1 repealed and reenacted with the following amendments:

2 **SUBTITLE 26. VEHICLES AND TRAFFIC.**
3 **DIVISION 8. PARKING REGULATIONS.**

4 **Sec. 26-127.04. Stopping, standing, or parking prohibited in specified places.**

5 (a) General rule. The provisions of this Section apply except as necessary to avoid conflict
6 with other traffic or in compliance with law or the directions of a police officer or traffic control
7 device.

8 * * * * *

9 (c) Standing or parking. No person shall stand or park a vehicle:

10 * * * * *

11 (18) On an unpaved area of a residential lot [that is one (1) acre or less in size].

12 * * * * *

13 (20) On any County roads, County property or in a County right of way for the sale or
14 attempted sale of a vehicle or vehicles.

15 (e) Penalty. Any person issued a citation for a violation of this Section shall be subject to a
16 fine of Fifty Dollars (\$50.00) and for curbstoning, a fine of up to One Thousand Dollars (\$1,000)
17 for each offense.

18 * * * * *

19 SECTION 4. BE IT ENACTED by the County Council of Prince George's County,
20 Maryland, that Section 26-162 of the Prince George's County Code be and the same is hereby
21 repealed and reenacted with amendments:

22 **Sec. 26-162. Abandoned vehicles prohibited.**

23 (a) No person shall leave any abandoned vehicle at any place within the County and
24 no owner, lessee, or custodian in charge of any lot, field, road, street, lane, or other property
25 shall permit any abandoned vehicle to remain on such property within the County.

26 (b) **Abandoned vehicle** means any motor vehicle, trailer, or semitrailer:

27 (1) That is inoperable and left unattended on public property for more than
28 forty-eight (48) hours;

29 (2) That has remained illegally on public property for more than forty-eight
30 (48) hours;

1 (3) That has remained on public property for more than forty-eight (48)
2 hours; and

3 (A) Is not displaying currently valid registration plates; and/or

4 (B) Is displaying registration plates of another vehicle; and/or

5 (C) Is in violation of Section 26-122.01 of this Subtitle;

6 (4) That has remained on private property for more than forty-eight (48)
7 hours; and

8 (A) Is inoperable in that one or more of its major mechanical
9 components, including but not limited to engine, transmission, drive train, and
10 wheels, is missing or not functional unless such vehicle is kept in an enclosed
11 building or as permitted by Subtitle 13 or Subtitle 27 of the Code; or

12 (B) Is not displaying currently valid registration plates; or

13 (C) Is displaying registration plates of another vehicle.

14 (c) Any partially dismantled, wrecked, or junked motor vehicle may be presumed to
15 have been or be abandoned.

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

18 (e) Curbstoning, as defined in Section 26-122.01 of this Subtitle, shall be subject to
19 a fine of up to One Thousand Dollars (\$1,000) for each offense.

20 (f) The Revenue Authority of Prince George's County shall be authorized to enforce
21 this Code provision.

22 SECTION 5. BE IT FURTHER ENACTED that the provisions of this Act are hereby
23 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
24 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
25 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
26 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
27 Act, since the same would have been enacted without the incorporation in this Act of any such
28 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
29 or section.

30 SECTION 6. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)

1 | calendar days after it becomes law.

Adopted this 15th day of November , 2016.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Derrick Leon Davis
Chairman

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.