

Marc Tartaro
Mayor



Tracey E. Nicholson
City Administrator

October 7, 2014

Ms. Redis C. Floyd
Clerk of the Council
County Administration Building
14741 Governor Oden Bowie Drive, Room 2198
Upper Marlboro, MD 20772

CITY COUNCIL

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President
Bart Lawrence

WARD 2
Robert Croslin
Shani N. Warner

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COMMUNITY & ECONOMIC
DEVELOPMENT
301/985-5013

COMMUNITY SERVICES
301/985-5021

Dear Ms. Floyd:

On October 6, 2014, the City Council of Hyattsville passed Hyattsville Ordinance 2014-07, an Ordinance whereby the City Council updates and revises Article V of the Vehicles and Traffic provisions of the Hyattsville City Code to reflect new definitions of commercial vehicles and regulates commercial vehicle traffic as well as parking and storage on public and private residential property.

Per Section 8-112-1 of Article 28 of the Maryland Annotated Code, this Ordinance shall not be effective until approved by the Prince George's County Council. I have attached a signed copy of the Ordinance to this letter.

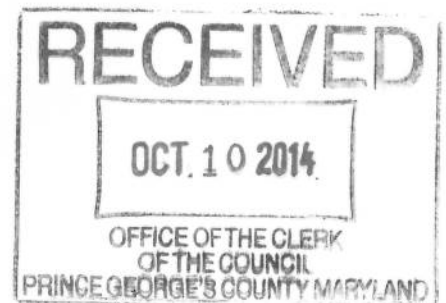
Please let me know when the Ordinance may be added to the County Council agenda for discussion.

If you have any questions, please contact my office at (301) 985-5009.

Sincerely,

Laura Reams
City Clerk

cc: Mayor and City Council of Hyattsville, Maryland
Tracey E. Nicholson, City Administrator
Richard Colaresi, City Attorney



CITY OF HYATTSVILLE
ORDINANCE 2014-07

An Ordinance whereby the City Council updates and revises Article V of the Vehicles and Traffic provisions of the City Code to reflect new definitions of commercial vehicles and regulates commercial vehicle traffic as well as parking and storage on public and private residential property.

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 Mayor and City Council deem it in the best interest of its citizens to update the restrictions on commercial vehicles to conform where necessary to the County Zoning Ordinance.

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

ARTICLE V

Trucks and Commercial Vehicles; ~~Trailer Coaches~~

§ 114-36. Operation of ~~trucks and commercial~~ HEAVY vehicles upon certain streets restricted.

It shall be unlawful for any person to operate any ~~truck or commercial vehicle~~ **MOTOR VEHICLE HAVING A GROSS VEHICLE WEIGHT RATING (AS SPECIFIED IN THE TRANSPORTATION ARTICLE OF THE MARYLAND CODE CURRENTLY AT §6-803) IN EXCESS OF TEN THOUSAND (10,000) POUNDS EXCEPT FOR VEHICLES FOR PUBLIC MASS TRANSIT**, upon any of the ~~[highways]~~ **CITY MAINTAINED STREETS AND ALLEYS** or parts **THEREOF** ~~[of [highways contained on a list maintained by the City Clerk];~~ provided, however, that nothing herein shall prohibit the operation of any ~~truck or commercial~~ **SUCH** vehicle upon any ~~[highway]~~ **STREET** or portion thereof ~~[listed on said list]~~ where such operation thereon shall be necessary in order to pick up or deliver any goods, wares, merchandise, **SERVICES** or material from or to any premises located upon any such ~~[highway]~~ **CITY STREET** or portion thereof, but then only be entering such **STREET** ~~[highway]~~ or part thereof at the intersection nearest the destination and proceeding thereon no farther than the nearest intersection thereafter.

§ 114-37. ~~Operation of vehicles in excess of established gross weight limits restricted.~~ RESERVED

~~It shall be unlawful to operate at any time upon any street in the city any truck or other motor vehicle, except a passenger bus, having a gross weight in excess of ten thousand (10,000)~~

~~pounds, unless the same is being operated to or from a bona fide destination within the city at which all or part of its load is to be or was loaded or unloaded or unless permission shall have been obtained for such operation from the Chief of Police after consultation with the Director of the Department of Public Works or for operation on any particular day from any member of the City Police; provided, however, that nothing herein contained shall apply to such operation on the public highways of the state located in the City.~~

~~§ 114-38. Routing of heavy trucks and buses. DEFINITIONS.~~

~~The Chief of Police, is empowered and authorized to restrict the routing of heavy trucks and buses over certain thoroughfares within the corporate limits of the City of Hyattsville at such times as vehicles are causing damage to the street, creating crowded conditions on the roadway, impeding the flow of traffic or causing a situation dangerous to life, limb or property. In any such event, the Chief of Police shall designate which streets said trucks and/or buses shall traverse keeping in mind the utmost expediting of said truck or bus traffic insofar as is possible. This section shall apply also to convoys or heavy trucks or buses passing through the city, including all types of industrial machinery and equipment.]~~

A. AS USED IN ARTICLE V, THE FOLLOWING TERMS SHALL MEAN

(1) "COMMERCIAL VEHICLE" ANY MOTOR VEHICLE, TRAILER OR SEMI-TRAILER, STAKE PLATFORM TRUCK, CRANE, TOW TRUCK, OR VEHICLE WITH DUAL REAR WHEELS WHICH ARE DESIGNED TO BE USED FOR CARRYING FREIGHT OR MERCHANDISE, OR OTHER VEHICLES SPECIFICALLY DESIGNED FOR COMMERCIAL PURPOSES, SUCH AS UTILITY SERVICE VEHICLES;

(2) CAMPING TRAILER: A VEHICLE SOLD TO THE CONSUMER FOR RECREATIONAL, TRAVEL, OR VACATION PURPOSES, WHICH IS SELF-PROPELLED OR CAPABLE OF BEING TOWED, AND WHICH PROVIDES FACILITIES FOR TEMPORARY CAMPING OR SLEEPING. "CAMPING TRAILER" INCLUDES A UNIT DESIGNED TO BE CARRIED BY AN OPEN PICKUP TRUCK. THE TERM "CAMPING TRAILER" ALSO INCLUDES "TRAVEL TRAILER," "CAMPER," "RECREATIONAL VEHICLE," "MOTOR HOME," "TRUCK CAMPER," AND SIMILAR VEHICLES. A CAMPING TRAILER IS NOT A "COMMERCIAL VEHICLE."

B. UNLESS THEY MEET THE CRITERIA IN (A) IMMEDIATELY ABOVE, THE FOLLOWING VEHICLES ARE NOT COMMERCIAL VEHICLES:

(1) PANEL-BODY TRUCKS, LIGHT-WEIGHT PICK-UP TRUCKS, VANS, COMMERCIALY DESCRIBED AS ONE-HALF-TON AND THREE-FOURTHS-TON CAPACITY.

~~§ 114-39. Parking restrictions for commercial vehicles [in residential zones] ON PUBLIC RIGHTS-OF-WAY. [Amended 12-17-84 by HB No. 10-84, and 1-1-91 by HB No. 8-90,~~

amended 6-1-98 by HB 98-02, amended 6-1-98 by HR 98-02, amended 10-4-04 by Ord. 2004-14]

[A. As used in this section, the term "commercial vehicle" shall mean any motor vehicle, trailer or semi-trailer, stake platform truck, crane, tow truck, or vehicle with dual rear wheels designed or used for carrying freight or merchandise, or other vehicles specifically designed for commercial purpose, such as utility service vehicles, except as follows:

1. Lightweight pickups and panel body trucks commercially described as one-half ton and three-fourths ton capacity, provided said vehicles do not have attached to them ladders, generators, storage racks or other equipment which is utilized for commercial purposes.
2. Does not exceed a maximum manufacturer's gross vehicle weight specification of 8,500 pounds.
3. Contains no advertising (other than a firm name or similar designation not exceeding four (4) inches high.)
4. Does not exceed 300 cubic feet of load space.
5. Does not exceed 80 inches in width or 240 inches in length.]

[BA] No person shall park **ON ANY STREET OR HIGHWAY ADJACENT TO ANY AREA ZONED OR USED FOR RESIDENTIAL PURPOSES IN THE CITY** any commercial vehicle **VEHICLE WHICH INCLUDING ALL PROTRUSIONS, ATTACHMENTS AND ITEMS LOADED IN THE VEHICLE, IS GREATER THAN EIGHTY INCHES (80") IN WIDTH, TWO HUNDRED FORTY INCHES (240") IN LENGTH OR ONE HUNDRED TWENTY INCHES (120") IN HEIGHT** on any street or highway in the city 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. This section shall not apply to commercial vehicles which are in the process of making deliveries, or [making] **PROVIDING** emergency maintenance or repair calls [, and do not park for more than a two-hour period].

[CB] Any commercial vehicle which is parked in violation of this section shall be subject to being towed from such highway or street and impounded after it has been parked for a **(24) twenty-four hour period WRITTEN NOTICE STATING THAT THE VEHICLE VIOLATES THE CITY CODE AND THE VEHICLE MUST BE REMOVED WITHIN 24 HOURS TO AVOID IMPOUNDMENT.** The towing and storage charges shall be a lien against the vehicle and shall be paid before the vehicle may be released from impoundment.

§ 114-40. Parking restrictions for commercial vehicles on private property.

[It shall be unlawful to park or leave standing any commercial vehicle having a rated load capacity in excess of one-half (1/2) ton for a period of time longer than two (2) hours between the hours of 8:00 p.m. and 6:00 a.m. upon any private property between any public street and the established building restriction line for buildings fronting upon such street in a residential zone in the city, except while actually loading or unloading such vehicle, unless:

- A. An oral or written permit therefor shall have been obtained from the Chief of Police, which permit shall be issued only for good cause and for a period not exceeding twenty-four (24) hours; or

~~B. A written permit for a period longer than twenty-four (24) hours shall have been granted by action of the City Council, which permit shall be granted only for a good cause.]~~

A. WITHOUT A PERMIT GRANTED PURSUANT TO § 114-42 BELOW, IT SHALL BE UNLAWFUL TO PARK OR LEAVE STANDING ANY COMMERCIAL VEHICLE, AS DEFINED IN THIS ARTICLE V, UPON ANY PRIVATE PROPERTY USED FOR RESIDENTIAL PURPOSES, EXCEPT AS FOLLOWS:

1. ONE COMMERCIAL VEHICLE IF IT IS NOT A TOW TRUCK, OR IF IT DOES NOT EXCEED THE MANUFACTURER'S GROSS VEHICLE WEIGHT SPECIFICATION OF SEVENTEEN THOUSAND (17,000) POUNDS, AND

(A) IS PARKED IN A WHOLLY ENCLOSED PARKING GARAGE, OR

(B) IS PARKED ON A SIDE OR REAR YARD AS DEFINED IN §68-7 OF THIS CODE, AND THE SIDE OR REAR YARD DOES NOT BORDER THE STREET; OR

2. ONE COMMERCIAL VEHICLE PER RESIDENCE WHICH MAY BE PARKED IN A FRONT YARD SO LONG AS THE VEHICLE:

(A) CONTAINS NO VISIBLE ADVERTISING OTHER THAN A FIRM NAME OR SIMILAR DESIGNATION IN LETTERING NOT EXCEEDING FOUR (4) INCHES IN HEIGHT;

(B) HAS LESS THAN THREE HUNDRED (300) CUBIC FEET OF LOAD;

(C) IS NOT A STAKE PLATFORM TRUCK, DUMP TRUCK, CRANE OR TOW TRUCK, OR A VEHICLE WITH DUAL REAR WHEELS; AND

(D) IS PARKED ON A LEGALLY CONFORMING PREPARED SURFACE.

B. IN NO CASE SHALL THIS SECTION PERMIT THE PARKING OR STORAGE OF COMMERCIAL VEHICLES THAT ARE NOT PROPERLY REGISTERED AND OPERATIONAL.

C. NOTHING IN THIS SECTION SHALL PROHIBIT THE TEMPORARY PARKING OF A COMMERCIAL VEHICLE WHILE LOADING OR UNLOADING IN THE VEHICLE, OR WHILE THE VEHICLE IS PROVIDING MAINTENANCE OR SERVICE FOR A RESIDENT OF THE PREMISES.

D. ONLY ONE CAMPING TRAILER MAY BE PARKED ON ANY RESIDENTIAL PROPERTY.

§ 114-41. ~~Parking restrictions for trailer coaches in residential zones.~~ RESERVED

~~A. It shall be unlawful for any person to park or leave standing any trailer coach, OR BUS at any time, except in the event of a bona fide emergency, upon a public street or alley in a residential zone in the city.~~

~~B. For the purpose of this section, a "trailer coach" shall be defined as any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.~~

§ 114-42. PETITIONS AND PERMITS.

A. ANY PERSON DISAGREEING WITH THE CITY'S POSITION REGARDING A VEHICLE PARKING ON A STREET OR ON PRIVATE PROPERTY UNDER ARTICLE V, MAY, WITHIN 5 DAYS OF RECEIVING A WARNING OR NOTICE FROM THE CITY, PETITION IN WRITING TO THE CITY ADMINISTRATOR FOR AN INFORMAL HEARING TO DEMONSTRATE THEIR POSITION. THE CITY ADMINISTRATOR MAY DELEGATE SUCH HEARING TO THE APPROPRIATE DEPARTMENT, AND A WRITTEN OPINION TO THE PETITIONERS SHALL BE COMPLETED AS QUICKLY AS REASONABLY POSSIBLE AFTER THE HEARING.

B. THE CITY ADMINISTRATOR MAY GRANT EITHER A TEMPORARY PERMIT FOR A VEHICLE NOT MEETING THE REQUIREMENTS OF THIS ARTICLE OR ONE RENEWABLE PERMIT, FOR VEHICLES PROHIBITED BY §114-40, BUT ONLY AFTER THE CITY ADMINISTRATOR DETERMINES THAT THE FOLLOWING CRITERIA ARE MET:

- (1) THE APPLICANT IS EITHER THE OWNER OF THE PROPERTY OR THE RESIDENT/TENANT OF THE PROPERTY;**
- (2) THE VEHICLE DOES NOT DISRUPT VISIBILITY OR TRAFFIC FLOW;**
- (3) THE VEHICLE DOES NOT PRESENT A HAZARD TO THE PUBLIC OR HAVE AN ADVERSE EFFECT ON ADJACENT PROPERTIES;**
- (4) THE APPLICANT DEMONSTRATES A HARDSHIP IF THE PERMIT IS DENIED;**
- (5) THE GRANTING OF THE PERMIT DOES NOT VIOLATE ANY APPLICABLE CITY, COUNTY OR STATE LAW; AND**
- (6) FOR A RENEWABLE PERMIT THE ADJACENT NEIGHBORS HAVE BEEN NOTIFIED PRIOR TO THE HEARING AND HAVE BEEN OFFERED AN OPPORTUNITY TO BE HEARD.**

C. ANY TEMPORARY PERMIT ISSUED UNDER THIS SUBSECTION SHALL EXPIRE IN NO MORE THAN FOURTEEN (14) DAYS FROM THE DATE OF ISSUANCE AND SHALL NOT BE ASSIGNABLE OR TRANSFERRABLE BY THE PERMITTEE, AND SHALL COST NO MORE THAN \$50.00. UNLESS THE APPLICANT CAN SHOW EXTRAORDINARY CIRCUMSTANCES, NO MORE THAN THREE (3) TEMPORARY PERMITS MAY BE ISSUED IN ANY CALENDAR YEAR.

D. ANY RENEWABLE PERMIT SHALL HAVE AN EXPIRATION DATE WHICH SHALL BE NO MORE THAN TWO (2) YEARS FROM THE DATE OF ISSUE. EACH RENEWABLE PERMIT SHALL AUTOMATICALLY EXPIRE WHEN THE APPLICANT NO LONGER IS A RESIDENT OR TENANT OF THE PROPERTY OR NO LONGER OWNES/USES THE VEHICLE. RENEWABLE PERMITS ARE NOT ASSIGNABLE OR TRANSFERRABLE BY THE PERMITTEE. THE RENEWABLE PERMIT FEE SHALL BE SET BY THE HEAD OF CODE COMPLIANCE AND SHALL BE NO MORE THAN \$100.00.

§ 114-[42]43. Penalties. [Added 10-4-04 by Ord. 2004-14]

~~A. The penalty for each violation of Article V is forty five dollars (\$45.) if the election in 114-73(A) is timely made.~~

A. THE PROVISIONS OF 114-73 AND 114-74 SHALL APPLY TO ALL VIOLATIONS OF THIS ARTICLE V EXCEPT AS NOTED BELOW.

B. A VIOLATION OF § 114-40 SHALL BE A MUNICIPAL INFRACTION ENFORCEABLE BY CODE COMPLIANCE OR THE POLICE, WITH THE PENALTY BEING \$100.00 FOR A FIRST OFFENSE AND \$200.00 FOR EACH SUBSEQUENT OFFENSE. EACH DAY THAT A VIOLATION CONTINUES SHALL BE A SEPARATE OFFENSE.

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 within five (5) days after enactment of this ordinance and at least thirty (30) days prior to the effective date of this ordinance, a certified copy of this ordinance shall be delivered to the Prince George’s District Council.


AND BE IT FURTHER ORDAINED, that such ordinance is not effective until approved by Prince George’s County or the District Council.


AND BE IT FURTHER ORDAINED, that this ordinance shall be effective sixty (60) days from the date of its adoption provided however this ordinance is published in a newspaper having general circulation in the City of Hyattsville at least twice prior to its effective date.

INTRODUCED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on September 15, 2014.

ADOPTED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on October 6, 2014.

Adopted: 10/6/14

Attest: 
Laura Reams, City Clerk


Marc Tartaro, Mayor

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