

Ordinance No. 17-21

ORDINANCE: To amend Chapter 23 of the Rockville City Code entitled "Traffic" so as to increase the fine amount for violations of certain parking restrictions

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Chapter 23 of the Rockville City Code entitled "Traffic" is hereby amended as follows:

Chapter 23 TRAFFIC

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ARTICLE II. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

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Sec. 23-22. Notice of violation; payment of penalty; failure to pay penalty; issuance of summons.

- (a) Every duly authorized police officer of the City or the County, or parking enforcement officer of the City, shall attach to any vehicle found to be in violation of sections 23-24, 23-25, 23-26, 23-28, 23-29, division 3 or division 4 of this article or parking restriction signs authorized or provided for in section 23-3, a notice to the owner thereof that such vehicle has been in violation of such provisions.
- (b) Within fifteen (15) days of the posting of such notice, each such owner may pay as a penalty and in full satisfaction of such violation the sum of:
 - (1) Forty dollars (\$40.00) for expired parking meters/stalls located in City-owned parking garages in Town Center and parking meters located along City streets;
 - (2) Sixty dollars (\$60.00) for violations of parking restrictions set forth in Section 23-24, 23-26, 23-28, 23-29, division 3, except as set forth in (b)(1) above, division 4 of this article or parking restriction signs authorized or provided for in Section 23-3;
 - (3) Two hundred fifty dollars (\$250.00) for violations of parking restriction signs designating handicapped parking only;
 - (4) Two hundred fifty dollars (\$250.00) for violations of parking restriction signs and/or lane markings designating a fire lane;
 - (5) One hundred dollars (\$100.00) for violations of snow emergency parking restrictions; or
 - (6) Two hundred fifty dollars (\$250.00) for parking within fifteen (15) feet of a fire hydrant.

In the alternative such owner may elect to stand trial in the District Court for the County. Such election shall be made in accordance with the procedure established by Section 26-303 of the Transportation Article of the Annotated Code of Maryland, presently existing, and as it may hereafter be amended.

- (c) The notice of violation shall contain the requirements outlined in Section 26-302 of the Transportation Article of the Annotated Code of Maryland, presently existing, and as it may hereafter be amended.
- (d) If the owner fails to pay the penalty set forth in subsection (b) hereof within the time therein provided, or if the owner fails to elect to stand trial within the time therein provided, the penalty provided in subsection (b) shall be increased by an additional ten dollars (\$10.00).
- (e) The Chief of Police shall, in accordance with the procedures prescribed by the State Motor Vehicle Administration and State law, give or cause to be given notice to the Administration of all vehicles registered by the State and the subject of any outstanding and past due parking violation of this chapter and request that the Administration refuse registration or transfer of registration of the subject vehicle, until notified by the City that the violation has been satisfied. In such cases, the Chief of Police shall impose an additional cost of ten dollars (\$10.00) for each registration withheld and the owner of the vehicle shall be subject to payment of such costs, and all other fines, penalties, and charges before notice is given to the Administration that the subject violation has been satisfied and the registration is released.

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Sec. 23-26. Stopping, standing, or parking prohibited in specified places.

No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device in any of the following places:

- (1) On a sidewalk;
- (2) Within five (5) feet of any opening or entrance to any public or private driveway;
- (3) In front of any opening or entrance to a public or private driveway, except that an owner or occupant may park in front of his or her private residential driveway;
- (4) Within an intersection;
- (5) On a crosswalk, or within twenty (20) feet of a crosswalk at an intersection, except for the purpose of receiving or discharging passengers or merchandise;
- (6) Within thirty (30) feet of any beacon, stop sign, or traffic control signal located at the side of a roadway;

- (7) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, except for the period necessary to take on or discharge passengers, freight, or merchandise;
- (8) Within twenty (20) feet of the driveway entrance to any fire department station and on the side of a street opposite the entrance to any fire department station within seventy-five (75) feet of the entrance when sign posted;
- (9) Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
- (10) On the roadway side of any vehicle stopped or parked at the edge or curb of a street except for the purpose of receiving or discharging passengers or merchandise;
- (11) Upon any bridge or other elevated structure or within a highway tunnel;
- (12) At any place where an official sign or painted curb of the County, the State, or the City prohibits stopping, parking or standing wherever a curb is painted yellow that there shall be no parking, standing or stopping parallel to the painted curb;
- (13) On curves, at the brow of a hill, where the State Highway Administration or the City has painted lines on the surfaces of the roads;
- (14) Upon any road, highway, alley or public parking facility in such a manner so as to impede the movement of traffic or constitute a threat to public safety;
- (15) On a drainage structure, planting strip, grass strip, median strip, or dirt strip which is located behind the curb of a public roadway except upon driveways constructed for such purpose. Where curbs do not exist along a public road, the provisions of this paragraph shall apply only to drainage structures. This paragraph does not apply in emergencies, or for inspection, repair or construction work performed by governments, public agencies, or public utility companies;
- (16) Upon that portion of a street on which there are painted lines on the surface of the street to indicate a designated bikeway.

Sec. 23-27. Parking of certain trucks on residential streets.

- (a) Unless a permit has been obtained as provided in subsection (b) of this section, no person shall stop, stand or park a truck having:
 - (1) A rated-load capacity in excess of three-quarters ton; or
 - (2) A gross vehicle weight (GVW) rating in excess of ten thousand (10,000) pounds; or
 - (3) More than four (4) wheels; or
 - (4) A width of ninety-six (96) inches or greater

on any residential street, except when actually loading or unloading property, or when the operator or owner of such vehicle is actually engaged in rendering a service at or to an adjacent residential or public property.

- (b) The City Manager or his designee may issue a special permit authorizing a person to stop, stand or park one (1) truck per dwelling unit having:
 - (1) A rated-load capacity in excess of three-quarters ton but not greater than one (1) ton; or
 - (2) A gross vehicle weight (GVW) rating in excess of ten thousand (10,000) pounds, but not greater than thirteen thousand (13,000) pounds; or
 - (3) More than four (4) wheels but not greater than six (6) wheels; or
 - (4) A width of ninety-six (96) inches or less either on or off a residential street as set forth in this section.
- (c) The City Manager or his designee may grant a special permit to park a truck as described in subsection (b) of this section if the City Manager or his designee initially finds that due to unusual practical difficulties, the truck described in subsection (b) of this section cannot be parked off-street and, in addition, if the City Manager or his designee also finds from a preponderance of the evidence of record that the off-street parking of such a truck or the on-street stopping, standing or parking of such a truck does not:
 - (1) Overburden existing public roads and other public facilities and improvements;
 - (2) Adversely affect the use or development of adjacent properties or the neighborhood;
 - (3) Adversely affect the health and safety of residents or workers in the area;
 - (4) Constitute a violation of any provision of this Code or other applicable law.
- (d) The City Manager or his designee may impose terms, conditions and restrictions upon the grant of any special permit to stop, stand or park a truck described in subsection (b) of this section, that are reasonably necessary to protect adjacent properties, the neighborhood and the residents and workers therein, including but not limited to a requirement to park a truck off-street, require screening in connection with any off-street parking, and limiting the hours during which a truck may be parked.
- (e) The City Manager may conduct a public hearing on any application for a special permit at which all interested persons would have an opportunity to be heard. All owners of property within three hundred (300) feet of the lot boundaries where the truck is proposed to be parked shall be notified of the filing of an application for a special permit. With the approval of the Mayor and Council, the City Manager shall adopt rules and regulations governing the administration and issuance of special permits. The City Manager or his designee shall provide the applicant, in writing, with a copy of his decision concerning the application for a special permit.
- (f) No person shall stop, stand, or park a bus, truck tractor, or trailer, except a camping trailer, boat trailer, travel trailer, or any vehicle licensed as a multipurpose passenger vehicle (MPV) by the State on any residential street, except when actually loading or unloading persons or property, or when the operator or owner of such vehicle is actually engaged in rendering a service at or to an adjacent residential or public property.

(g) Definitions:

- (1) For the purposes of subsections (a) and (f) above, "residential streets" shall be those so classified by the City Manager according to section 21-57.
 - (2) "Rated-load capacity (RLC)" is the rated load capacity of a vehicle as designated by the National Automobile Dealers' Association Used Car Guide.
 - (3) Gross vehicle weight (GVW) is the weight of the vehicle and its load as designated by the National Automobile Dealers' Association Used Car Guide provided that a one-ton vehicle with a heavy duty option shall be considered as having an equivalent gross vehicle weight as the standard one-ton vehicle of the same make and model.
 - (4) All other terms are as defined by Maryland Vehicle Law.
- (h) Every duly authorized police officer of the City or the County, or parking enforcement officer of the City, who discovers a vehicle parked in violation of subsection (a), (b), or (f) of this section shall deliver a citation to the driver, or if the vehicle is unattended, attach a citation to the vehicle in a conspicuous place. The officer shall keep a copy of the citation bearing his certification under the penalty of perjury that the facts stated in the citation are true. In the absence of the driver, the registered owner of the vehicle is presumed to be the person receiving the citation. The person receiving a citation under subsection (a), (b) or (f) of this section shall pay sixty dollars (\$60.00) for the first violation within fifteen (15) days of the posting of such notice. The person receiving a citation under subsection (a), (b) or (f) of this section shall pay one hundred twenty dollars (\$120.00) for the second and subsequent violations within fifteen (15) days of the posting of such notice. In lieu of paying the sums cited in subsection (h) of this section, such person may elect to stand trial for the violation as provided in Section 26-303 of the Transportation Article of the Annotated Code of Maryland presently existing and as it may hereafter be amended. For the purpose of determining whether a citation is the second or subsequent violation, the date of the issuance of the citation shall control, provided that if a person elects to stand trial and is acquitted, any money paid for a subsequent violation shall be adjusted to reflect the acquittal and shall be refunded to the person.
- (i) If the owner fails to pay the penalty set forth in subsection (h) of this section within the time provided, or if the owner fails to elect to stand trial, the penalty provided in subsection (h) shall be increased by ten dollars (\$10.00).
- (j) The Chief of Police shall, in accordance with the procedures prescribed by the State Motor Vehicle Administration and State law, give or cause to be given notice to the Administration of all vehicles registered by the State and the subject of any outstanding and past due violation of this section and request that the Administration refuse registration or transfer of registration of the subject vehicle, until notified by the City that the violation has been satisfied. In such cases, the Chief of Police shall impose an additional cost of ten dollars (\$10.00) for each registration withheld and the owner of the vehicle shall be subject to payment of such costs, and all other fines, penalties, and charges before notice is given to the Administration that the subject violation has been satisfied and the registration is released.

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*DIVISION 2. PERMIT PARKING FOR RESIDENTS***Sec. 23-41. Legislative findings.**

The Council finds that the health, safety and welfare of many residents of the City are adversely affected by the burden that is placed on the residents by virtue of nearby public and private facilities. Frequently, the use of streets within residential areas for parking of vehicles by persons using adjacent commercial, industrial, education, and transit areas or facilities, results in hazardous traffic conditions, the overburdening of existing streets, roads and other facilities, air and noise pollution, and the inability of residents of certain areas to obtain adequate parking adjacent or close by their places of residence and to secure ease of access to their places of residence. In order to reduce to the lowest extent possible the aforementioned conditions, to foster the use of mass transit facilities and to promote the safety, peace, good order, comfort, convenience, health and welfare of the residents of the City, the Council deems it essential that the parking permit authorization provided for in this division be enacted.

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Sec. 23-46. Violations and penalty.

- (a) Every duly authorized police officer of the City or the County, or parking enforcement officer of the City, who discovers a vehicle parked in violation of this division shall deliver a citation to the driver, or if the vehicle is unattended, attach a citation to the vehicle in a conspicuous place. The officer shall keep a copy of the citation bearing his certification under the penalty of perjury that the facts stated in the citation are true.
- (b) In the absence of the driver, the registered owner of the vehicle is presumed to be the person receiving the citation.
- (c) The person receiving a citation under this section shall pay directly to the City sixty dollars (\$60.00) for the first parking violation and one hundred dollars (\$100.00) for subsequent violations, or such person may elect to stand trial for the violation as provided in section 26-303 of the Transportation Article of the Annotated Code of Maryland presently existing and as it may hereafter be amended.

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NOTE: Underlining indicates material added

~~Strikethrough~~ indicates material deleted

Asterisks * * * indicate material unchanged by this ordinance

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I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council of Rockville at its meeting of October 18, 2021.

City Clerk/Director of Council Operations