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TOWN OF FAIRMOUNT HEIGHTS, MARYLAND
2000-2001 Legislative Session

Ordinance No.: 0-12-01
Introduced By: Johnnie R. Saxton, Mayor
Co-Sponsors: _____
Session: Regular
Date of Introduction: February 13, 2001

ORDINANCE

Of the Town Council Amending the Town Code of Ordinances, Chapter V, Vehicles and Traffic, Article 1, Operation of Vehicles, Section 5-101. Definitions, Amending Article 2. Stopping, Standing, and Parking, Sections 5-201, Regulations in General, 5-202, Traffic Control and Parking Restriction Signs, 5-206, Parking of Commercial Vehicles, 5-207. Parking Time Limit, 5-208 Parking Prohibited in Certain Locations, 5-209. Citations and Penalties, 5-210 Impoundment, 5-213. Inoperative, Unlicensed Vehicles. This Ordinance further amends Ordinance 0-04-00 and Repeals 0-10-00.

WHEREAS, pursuant to the Transportation Article Section 26-301 of the Annotated Code of Maryland, the Town of Fairmount Heights has the authority to establish parking regulations, and to pass such Ordinances as it deems necessary to protect and preserve the municipality's rights, property and privileges, to secure persons and property from danger and destruction to protect the health, comfort and convenience of the citizens of the Town.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Town Council of Fairmount Heights, Maryland this 20th day of February, 2001 that Chapter V, Vehicles and Traffic, Article 1. Operation of Vehicles, Section 5-101. Definitions is hereby amended as follows:

- (b) "INOPERATIVE VEHICLE" MEANS ANY VEHICLE WHICH IS:**
- (1) MISSING OR NOT FUNCTIONAL IN ANY ONE OR MORE OF THE FOLLOWING MAJOR MECHANICAL COMPONENTS: ENGINE, TIRES, STEERING, WHEELS, TRANSMISSION DRIVE TRAIN, OR WINDOWS:**
 - (2) UNREGISTERED OR IMPROPERLY REGISTERED WITH THE MOTOR VEHICLE ADMINISTRATION OR WHICH DISPLAYS NO LICENSE TAG, AN EXPIRED LICENSE TAG, OR THE LICENSE TAG OF ANOTHER VEHICLE.**
 - (3) SUBSTANTIALLY DAMAGED, DISABLED, INOPERATIVE OR ABANDONED; OR**
 - (4) A BREEDING GROUND FOR RATS, MOSQUITOS, OR OTHER VERMIN OR PESTS.**

44 **(c) FOR THE PURPOSE OF THIS ARTICLE, A COMMERCIAL**
45 **VEHICLE IS :**

- 46 **(1) A BUS DESIGNED TO CARRY MORE THAN 10**
47 **PASSENGERS FOR-PROFIT PURPOSE;**
48 **(2) ANY VEHICLE CLASSIFIED BY MOTOR VEHICLE**
49 **ADMINISTRATION AS A COMMERCIAL**
50 **TRAILER DESIGNED TO CARRY FREIGHT OR**
51 **MERCHANDISE FOR-PROFIT PURPOSE; OR A HEAVY**
52 **COMMERCIAL TRUCK THAT IS OVER 10,000 POUNDS GROSS**
53 **VEHICLE WEIGHT.**

54
55 Chapter V, Article 2. Stopping, Standing, Parking is amended as follows:

56
57 Article 2. Stopping, Standing, Parking **OR STORAGE OF VEHICLES.**

58
59 Section 5-201. **Regulations in General**

60
61 [(c) Violation of the provision of this section shall be a misdemeanor and any
62 person found guilty thereof shall be subject to a fine not exceed twenty-five dollars (\$25.00)]

63
64 Section 5-202 **Traffic Control and Parking Restriction Signs**

65
66 (d) Nothing herein contained shall be deemed to constitute a repeal of the authority
67 heretofore granted by the Mayor and Council to erect traffic control devices and parking
68 restriction signs. [The failure of any person to observe any such traffic control device or parking
69 restriction sign heretofore erected shall constitute a misdemeanor and such person shall be subject
70 to the same penalties as set forth hereinafter.]

71
72 Section 5-206. **Parking of Commercial Vehicles** is amended as follows:

- 73
74 (a) No person shall park or store any commercial vehicle upon any residential
75 **PUBLIC** street or alley within the Town **BETWEEN THE HOURS OF 10:00**
76 **P.M. AND 6:00 A.M. EACH DAY OF THE WEEK OR AT ANY TIME ON**
77 **SUNDAY OR HOLIDAYS.** This provision shall not apply to vehicles which are
78 in the process of making deliveries **OR ARE PARKED FOR THE PURPOSE**
79 **OF CONDUCTING BUSINESS IN THE TOWN PROVIDED THAT SUCH**
80 **COMMERCIAL VEHICLE DOES** not remain parked for more than a two (2)
81 hour period.
- 82
83 (b) Any commercial vehicle which is parked **OR STORED UPON ANY PUBLIC**
84 **STREET OR ALLEY** shall be subject to towing and impoundment after having
85 remained parked **OR STORED** for a twenty-four (24) hour period. The towing
86 and storage charges shall be a lien against such vehicle and shall be paid before the

87 same may be released from impoundment.
88
89

90 (c) The penalty for violation of this section shall be a fine of two hundred fifty dollars
91 (\$250.00) for the first offense and five hundred dollars (\$500.00) for each additional offense. (No
92 change)
93

94 Article 2. Section 5-207 is amended as follows:
95

96 Section 5-207. Parking Time Limit
97

98 [It shall be unlawful for any person to park or leave standing any motor vehicle for longer
99 than seventy-two (72) hours upon any street or in any alley or public place in the Town.]
100

101 **EXCEPT AS PROVIDED FOR UNDER SECTION 5-206. NO PERSON SHALL STOP,**
102 **PARK OR LET STAND ANY VEHICLE AT THE SAME LOCATION UPON ANY**
103 **STREET, ALLEY OR OTHER PUBLIC PROPERTY FOR SEVENTY-TWO (72)**
104 **CONSECUTIVE HOURS OR MORE. ANY VEHICLE LEFT AT THE SAME**
105 **LOCATION ON PUBLIC PROPERTY FOR SEVENTY-TWO (72) CONSECUTIVE**
106 **HOURS OR MORE SHALL BE CONSIDERED UNATTENDED OR ABANDONED AS**
107 **DEFINED IN 5-101 (b) OF THIS ARTICLE.**
108

109 Section 5-208 is amended as follows:
110

111 Section 5-208. Parking Prohibited in Certain Locations **PARKING AND STORAGE OF**
112 **VEHICLES.**
113

- 114 **(17) ON ANY PUBLIC STREET DESIGNATED AND WITH THE PROPER**
115 **SIGNS POSTED FOR PERMIT PARKING, UNLESS THE VEHICLE**
116 **DISPLAYS A PROPER PARKING PERMIT.**
117 **(18) ANY PUBLIC STREET DESIGNATED AS PARKING RESERVED FOR**
118 **THE PHYSICALLY HANDICAPPED WITH THE PROPER SIGNS**
119 **POSTED, UNLESS THE VEHICLES DISPLAYS A SPECIAL**
120 **REGISTRATION PLATE OR PERMIT ISSUED BY ANY STATE OR THE**
121 **OR THE DISTRICT OF COLUMBIA WITH THE HANDICAP**
122 **DESIGNATION.**
123
124

125 Section 5-209. [Citations and Penalties.] **STORING OR PARKING OF INOPERATIVE**
126 **VEHICLES.**
127

128 **NO PERSON SHALL STORE OR PARK AN INOPERATIVE VEHICLE AS**
129 **DEFINED IN SECTION 5-101(b) EXCEPT IN AN ENCLOSED GARAGE OR**

136 OTHERWISE EFFECTIVELY SCREENED FROM PUBLIC VIEW.

137
138 Section 5-210. TOWING AND IMPOUNDING.

- 139
140 (a) ANY VEHICLE PARKED IN VIOLATION OF THIS CHAPTER OR
141 OTHERWISE PARKED SO AS TO CONSTITUTE A HAZARD TO
142 PUBLIC SAFETY OR THAT IS PARKED, STOPPED OR STANDING SO
143 AS TO IMPEDE OR OBSTRUCT THE NORMAL MOVEMENT OF
144 TRAFFIC OR PEDESTRIANS MAY BE TOWED OR IMPOUNDED BY
145 POLICE OFFICERS OR OTHER PERSONS DESIGNATED BY THE
146 MAYOR AND TOWN COUNCIL.
- 147 (b) IF A VEHICLE IS REMOVED, IMPOUNDED OR TOWED PURSUANT
148 TO (A), IT SHALL BE REMOVED TO A PLACE DESIGNATED BY THE
149 CHIEF OF POLICE FOR A VEHICLE SO REMOVED, IMPOUNDED OR
150 TOWED. ALL TOWING AND STORAGE CHARGES AND FINES FOR
151 THE VIOLATION MUST BE PAID BY OR ON BEHALF OF THE
152 OWNER BEFORE THE VEHICLE IS RELEASED.

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154
155 Section 5-213. [Inoperative, Un-licensed Vehicles] ENFORCEMENT AUTHORITY
156 AND PENALTIES

- 157
158 (a) POLICE OFFICERS OF THE TOWN SHALL HAVE AUTHORITY TO
159 ENFORCE THE PARKING AND STANDING REGULATIONS OF THIS
160 CHAPTER. CODE ENFORCEMENT OFFICERS SHALL HAVE
161 CONCURRENT JURISDICTION WITH POLICE OFFICERS IN THE
162 ENFORCEMENT OF VIOLATIONS WHICH OCCUR ON NON-PUBLIC
163 PROPERTY.
- 164 (b) ANY PERSON ISSUED A CITATION OR TICKET FOR A VIOLATION
165 OF ANY PROVISION OF THIS CHAPTER SHALL BE SUBJECT TO A
166 FINE AS SET FORTH IN THE "TOWN OF FAIRMOUNT HEIGHTS
167 PARKING VIOLATIONS TABLE" WHICH IS INCORPORATED
168 HEREIN AND ADOPTED BY REFERENCE.
- 169 (c) THE PARKING CITATION OR TICKET SHALL INSTRUCT THE
170 OWNER OR OPERATOR OF THE VEHICLE TO PAY THE FINE
171 IMPOSED FOR THE VIOLATION TO THE TOWN OF FAIRMOUNT
172 HEIGHTS WITHIN FIFTEEN (15) DAYS FROM THE DATE OF
173 ISSUANCE OF THE PARKING TICKET OR TO GIVE WRITTEN
174 NOTICE WITHIN TEN (10) DAYS FROM THE DATE OF ISSUANCE OF
175 THE PARKING TICKET OF THE OWNER'S OR OPERATOR'S
176 INTENTION TO STAND TRIAL FOR THE VIOLATION IN DISTRICT
177 COURT.
- 178 (d) IF THE OWNER OR OPERATOR OF THE VEHICLE NEITHER PAYS

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THE FINE FOR THE VIOLATION NOR GIVES WRITTEN NOTICE OF HIS OR HER ELECTION TO STAND TRIAL WITHIN THE TIME SET FORTH IN SUBSECTION (c), THEN AS AN ADDITIONAL PENALTY THE FINE FOR THE VIOLATION SHALL DOUBLE. THE FINE FOR THE VIOLATION SHALL REDOUBLE IF THE FINE IS NOT PAID WITHIN THIRTY (30) DAYS FROM THE DATE OF ISSUANCE OF THE PARKING TICKET, UNLESS THE OWNER OR OPERATOR HAS FILED A TIMELY ELECTION TO STAND TRIAL ON THE VIOLATION.

ATTEST:

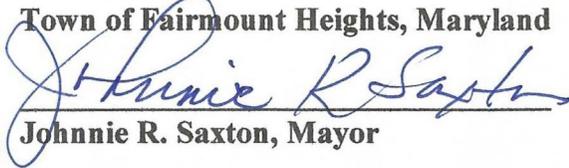


Kyrthlyn Rhoda
Clerk to the Council

6/20/01

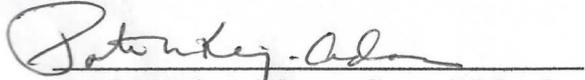
Date Passed

Town of Fairmount Heights, Maryland

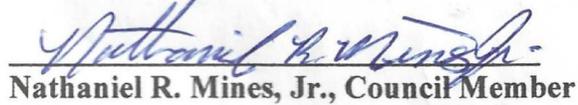


Johnnie R. Saxton, Mayor

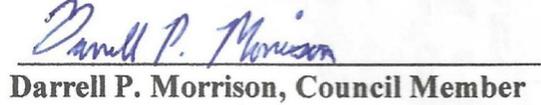
W. Arlene Hagans, Council Member



Patricia King-Adams, Council Member



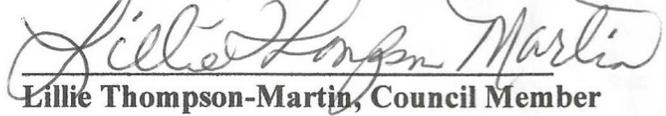
Nathaniel R. Mines, Jr., Council Member



Darrell P. Morrison, Council Member



Richard Saxon, Council Member



Lillie Thompson-Martin, Council Member

Anderson

Fairmount Heights Police Department Parking Violation Table

2/20/01

DESCRIPTION	REF NO.	FINE
OPPOSITE FLOW OF TRAFFIC; NO STAND, PARK	5-201(a)	\$50
BLOCKING ANOTHER VEHICLE; NO STAND, PARK	5-201(b)	\$50
IDLING VEHICLES (UNATTENDED)	5-203	\$50
PARKING UNATTACHED BOAT OR TRAILER UPON STREET, SIDEWALK	5-205	\$50
RESTRICTED; TRUCKS, COMM VEH/BUS (OVERNIGHT/ WEEKENDS)	5-206a	1st \$250 2nd \$500
IMPOUNDMENT (COMMERCIAL VEHICLES - GIVEN PARKING VIOLATION + 24 HOURS LATER)	5-206(b)	N/A
PARKED OVER 72 CONSECUTIVE HOURS	5-207	\$50
ON SIDEWALK; WALKWAY OR ANY GRASS PLOT BETWEEN CURB LINE AND PROPERTY LINE; NO STOP, STAND, PARK	5-208(1)	\$50
PUBLIC OR PRIVATE DRIVEWAY; NO STAND, PARK	5-208(2)	\$50
IN INTERSECTION; NO STOP, STAND	5-208(3)	\$50
15ft OF HYDRANT; NO STAND, PARK	5-208(4)	\$50
CROSSWALK/INTERSECTION; NO STAND, PARK (OR WITHIN 20 FEET)	5-208(5)	\$50
TRAFFIC CONTROL DEVICE; NO STAND, PARK (OR WITHIN 30 FEET)	5-208(6)	\$50
20ft FIREHOUSE ENTRANCE; NO STAND, PARK	5-208(8)	\$50
OFFICIAL SIGN; NO STOP, STAND, PARK (INCLUDING YELLOW CURB)	5-208(11)	\$50
15ft OF BUS STOP, NO STOP, STAND, PARK	5-208(13)	\$20
12" FROM CURB; NO STAND, PARK	5-208(16)	\$50
RESERVED; PARKING PERMIT	5-208(18)	\$25
RESERVED HANDICAP, NO PARKING	5-208(19)	\$50
IMPOUNDMENT (TRAFFIC OBSTRUCTION OR GIVEN PARKING VIOLATION + 48 HOURS LATER)	5-210	N/A
ABANDON VEHICLE	5-213(a)	\$50
PARKED UNREGISTERED VEHICLE/TRAILER	5-213(a)	\$50