

CHAPTER 13

TRAFFIC

- §13-101. Stopping and parking prohibited
- §13-102. Designation of parking spaces.
- §13-103. Parking for more than forty-eight hours prohibited.
- §13-104. Taxicab, trailers, recreational vehicles, boats, and temporary dumpster and storage container parking restrictions.
- §13-105. Parking of commercial vehicles prohibited.** (Ord. 10-2004)
- §13-106. Impoundment or immobilization of a motor vehicles.
- §13-107. Manner of parking.
- §13-108. Reserved.
- §13-109. Double parking prohibited.
- §13-110. Operation and parking of trucks restricted.
- §13-111. Minimum clearance of eleven feet required on all streets.
- §13-112. Parking of unregistered vehicles.
- §13-113. Parking administrative fee.
- §13-114. Repealed
- §13-115. Motor vehicle or machinery repairs.
- §13-116. Traffic Calming Devices.
- §13-117. Administrative Fee.
- §13-118. No Through Trucks.
- §13-119. Enforcement.
- §13-120. Severability.
- §13-121. Alley Closure.
- §13-122. Residential Parking Permits.

Section 13-101. Stopping and parking prohibited.

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

- A. On a sidewalk or on a public space between a curb and a building. (Ord. 3-96, 2/20/96)
- B.
 - 1. In front of a public driveway, including a three foot buffer to either side of the curb cut
 - 2. In front of a private driveway, including a three foot buffer to either side of the curb cut, except with the consent of the owner or occupant of the premises;
 - 3. "Driveway" is defined as a section of improved or unimproved land specifically intended to be used for ingress or egress from the premises as evidenced by
 - a. a legal curb cut, and
 - b. the absence of an obstruction such as a fence or a wall.
- C. Within an intersection;
- D. Within fifteen (15) feet of a fire hydrant;

- E. 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;
- F. Within thirty (30) feet of any beacon, stop sign, or traffic-control signal located at the side of a roadway;
- G. 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;
- H. Within twenty (20) feet of the driveway entrance to any fire department station and on the side of a street opposite the entrance of any fire department station within seventy-five (75) feet of said entrance when signposted;
- I. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
- J. 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;
- K. Upon any bridge or other elevated structure or within a highway tunnel;
- L. At any place where official signs prohibit stopping;
- M. Nor shall any person park any automobile or other vehicle in any space designated by the Mayor and City Council, and indicated by "No Parking" signs erected under the authority of the Mayor and City Council.

(Ord. 7-99, 5/18/99)

N. Bus stop zones. For purpose of loading and unloading bus passengers, there are hereby established "no parking at anytime" zones, to be designated as "Bus Stops," and it shall be unlawful for any vehicle to stand or park within the limits of these zones.

O. Handicapped Parking. No person shall park any vehicle in a parking space posted for handicapped parking other than a vehicle so designated by handicapped registration plates or a handicapped permit or certificate issued by the State of Maryland Motor Vehicle Administration or by any other state. Any vehicle found in violation of this section shall be issued a citation bearing a fine of two hundred and twenty-five dollars (\$225). If a written election to stand trial for the violation is not submitted to the City within ten (10) calendar days from the date of issuance of the citation or if the fine of two hundred and twenty-five dollars (\$225) is not paid to the City of Mount Rainier within fifteen (15) calendar days from the date of the issuance of the citation, then the fine for the violation will double to four hundred and fifty dollars (\$450).

(Ord. 11-99, 6/1/99)

P. Leaving vehicle unattended with motor running. No person shall leave a vehicle unattended with the motor running. Any vehicle found to be in violation of this ordinance shall be issued a citation bearing a fine of one hundred dollars (\$100). If a written election to stand trial for the violation is submitted to the City within ten (10) calendar days from the date of issuance of the citation or if the fine of one hundred dollars (\$100) is not paid to the City of Mount Rainier within fifteen (15) calendar days from the date of issuance of the citation, then the fine for the violation will double to two hundred dollars (\$200).

(Ord. 11-99, 6/1/99)

Q. In the Mixed Use Town Center (MUTC) zone, within the front setback area of any lot or the side setback area facing a street on a corner or reverse corner lot on any space

other than a permanently constructed driveway within front or side setback areas. However, in the Mixed Use Town Center (MUTC) zone, retail commercial, service commercial, office commercial and Urban Light Industrial (ULI) zones merchandise items may be displayed on grass areas,

(Ord. 2-97, 3/4/97)

- (i) if done during regular hours of business,
- (ii) if merchandise is not transported to the display area so as to violate any state, county or city codes,
- (iii) if activity does not damage the grass area and does not otherwise create a blighted appearance, and
- (iv) only after the commercial establishment has secured a permit therefore from the Mayor and City Council.

R. On private property except when in a garage or carport, or on a permanently constructed driveway, or permanently constructed parking lot connected to a street or alley with a permanently constructed driveway. (Ord. 26-97, 3/17/98)

(i) A permanently constructed driveway is defined as a section of land specifically intended for egress or ingress from the premises as evidenced by a legal curb cut (as permitted by the City under this Code), absence of an obstruction such as a fence or wall, and

constructed of solid materials like brick, blacktop, or gravel so as to preclude vegetation, and prevent ruts that would retain water.

(ii) A permanently constructed parking lot@ is defined as a section of land specifically set aside for the parking of vehicles and constructed of solid materials like brick, concrete, blacktop, or gravel so as to preclude vegetation, and prevent ruts that would retain water.

(iii) This subsection (R) does not apply to subsection (Q) dealing with the MUTC zone.

(iv) Any paving of private property must comply with relevant County and City ordinances regarding grading, percentage of lot coverage, materials, and permits.

(Ord. 26-97, 3/17/98)

S. At any place where official signs restrict parking to residents and their guests, signified by the possession of parking permits and guest passes that have been issued because the location has been duly authorized by the City as a location where residential permit parking applies, unless the vehicle displays a valid residential parking permit or guest pass.

(Ord. 24-98, 12/1/98)

Section 13-102. Designation of parking spaces.

The chief of police is hereby directed and authorized to have marked off individual parking spaces in the parking zones designated and described in this section and in such other zones as may hereafter be established, said parking spaces to be designated by lines painted or durably marked on the curbing or surface of the street. At each space so marked off it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated.

Section 13-103. Parking for more than forty-eight hours prohibited.

It shall be unlawful for any person to park any automobile or other vehicle on any of the streets of Mount Rainier for a continuous period of more than forty-eight (48) hours at any one time.

Section 13-104. Taxicabs, trailers, recreational vehicles, boats, and temporary dumpster and storage container parking restrictions.

- A. In this section, the terminology used to describe vehicles shall have the meaning prescribed in Titles 11 and 13 of the Transportation Article of the Annotated Code of Maryland where applicable. Otherwise, such terminology shall have its common meaning.
- B. It shall be unlawful for the operator of any motor vehicle used as a taxicab in the City of Mount Rainier to park such cab in any location on any street or highway in Mount Rainier, while on duty, except in such stand or stands as may have been or shall hereafter be set aside and officially designated by the mayor and city council as cab stands. When not parked on regularly designated cab stands, all cabs shall continue in motion by cruising on the streets of the city until a place is available on a cab stand.
- C. Except as provided in subsection D, the following vehicles shall not be parked on any street or alley in the City of Mount Rainier except while the owner is actively loading or unloading the vehicles:
1. trailers and semi-trailers, including, but not limited to boat trailers, camping trailers, mobile homes, travel trailers, and utility trailers;
 2. boats;
 3. buses;
 4. any other vehicle that lacks an engine for self propulsion; or
 5. motor homes with a length in excess of twenty-one (21) feet or a height in excess of nine (9) feet measured from the street.
- D. Subsection C does not apply in the case of an emergency such as a breakdown or lack of fuel while the operator is making good faith efforts to correct the problem with the vehicle. In any case, the vehicle must be moved within 24 hours or be subject to ticketing and impoundment pursuant to subsection I.
- E. The City Manager or designee may issue a permit allowing a vehicle described in subsection C to be temporarily parked on the street for no more than a two week period. Only one permit shall be issued for an address within a six-month period. The permitted vehicle must be parked either along the curb immediately in front of the permit holder's home, or on a curbside that does not front a home (*e.g.*, a curb at the side of house or in front of a property without a home). Permits are \$15.
(Ord. 1-2009, 02/05/08)
- F. No vehicle shall be parked or kept on private property within the corporate limits of the City for sleeping or dwelling purposes, nor shall any vehicle prohibited on the street by

subsection C be kept or parked on private property when not being loaded or unloaded, unless the vehicle is parked on a paved or gravel surface and located:

1. More than twenty-five(25) feet from the street line (measured from the side of the vehicle closet to the street);
2. Not nearer tot he street line (measured from the side of the vehicle closest tot he street) than the front facade of the house, including any covered front porch, that is within 15 feet from the side of the vehicle;
3. In a closed building; or
4. On a licensed trailer or motor home sales lot.

(Ord. 1-2008. 02/05/08)

G. Dumpsters and temporary storage units may be parked on City streets with a construction dumpster permit issued by the Cit y Manager or designee in accordance with section 7-106 J. of this code.. The permit shall not exceed three (3) months for any address within a period of 12 months. The placement of dumpsters or temporary storage units shall be made under the direction of the police chief or designee so as to protect public safety.

H. The following vehicles that are owned and licensed by a City resident prior to March 1, 2006 may be parked with a permit on the street in a recreational parking zone in the 3700 block of Otis Street:

1. boat trailers with or without a boat, camping trailers, travel trailers, and utility trailers; and
2. motor homes with a length in excess of twenty-one (21) feet or a height in excess of nine (9) feet measured from the street.

The police department shall issue annual permits for each vehicle and determine placement of the vehicle on the street. Permits are \$50.

(Ord. 1-2008, 02/05/08)

I. Any vehicle parked in violation of this section shall be subject to impoundment and all expenses of towing and reasonable storage shall be paid before the vehicle is released from impoundment. A City Parking Violation and Citation Notice may be issued and the penalty shall be \$150.00 and if unpaid shall be doubled as written on the violation notice.

(Ord. 04-2006, 03/07/06)

Section 13-105. Parking of commercial vehicles prohibited.

A. No commercial vehicle shall be parked on any street in the City except while actively loading, unloading or actively engaged in work on the premises. This prohibition shall not apply to any vehicle of a public utility company when the public utility is actively engaged in work within the City. “Actively loading” includes charging the batteries, or otherwise preparing the vehicle for travel, up to a maximum of 3 hours.

B. Except as provided in subsection C, for the purposed of this section “commercial vehicle” means any motor vehicle, trailer, or semi-trailer designed or used for carrying freight,

passengers, or merchandise in the furtherance of any commercial enterprise and any motor vehicle designed to carry sixteen passengers or more, including the driver.

- C. For the purposes of this section, passenger cars and light trucks with a three-quarter (3/4) ton rated capacity or lower and a maximum gross vehicle weight of 7,000 pounds or less do not constitute commercial vehicles.
- D. This section shall not apply to vehicles that are in the process of making deliveries and do not park for more than a two-hour period.
- E. Any vehicle parked in violation of this section shall be subject to impoundment and all expenses of towing and reasonable storage shall be paid before the vehicle is released from impoundment. A City Parking Violation and Citation Notice may be issued and the penalty shall be \$150.00 and if unpaid shall be doubled as written on the violation notice.
- F. Loading zone designated. A sixty-four (64) foot loading zone is designated in the 3300 block of Bunker Hill Road at the northwest corner of 34th Street. Loading and unloading of commercial vehicles is permitted only from 7:00 am until 8:00 pm daily. Non-commercial vehicles may only park in this zone from 8:01 pm until 6:59 am daily.

(Ord 04-2006, 03/07/06)

Section 13-106. Impoundment or immobilization of a motor vehicles.

- A. Any unattended motor vehicle found parked on the streets of the city in violation of any City, County, or State parking or traffic regulation may be immobilized or removed, conveyed and impounded by, or under the direction of, any police officer.
- B. Any motor vehicle found on the streets of Mount Rainier having outstanding parking citations may be immobilized or removed, conveyed and impounded by, or under the direction of, any police officer.
- C. If the vehicle is immobilized pursuant to A. or B. Of this section, it shall be immobilized by a commonly accepted device for such purpose and a notice shall be affixed to the motor vehicle informing the owner of the presence of the immobilizing device.
- D. If the vehicle is removed, conveyed or impounded pursuant to A. or B of this section, it shall be towed to a place designated by the Chief of Police for a vehicle so removed, conveyed or impounded. All towing and storage charges incurred, all outstanding fines, penalties, service charges and fees, as well as all unpaid tickets and vehicle citation charges, must be paid by the owner or his or her authorized agent before the immobilizing device will be removed and the motor vehicle will be released.

(Ord. 11-2003, 12/02/03)

Section 13-107. Manner of parking.

All vehicles not in motion shall be parked or placed with their right side parallel, and within twelve (12) inches of the curb or improved surface on the right hand side of the street, except in streets where traffic is permitted to move in one (1) direction only, in which case they may also be parked or placed with their left side parallel, and within twelve (12) inches of the curb or improved surface on the left hand side of the said street. In addition, no person shall park within three (3) feet of the front or rear of another vehicle parked parallel to the curb. (Ord 11-2003, 12/02/03)

Section 13-108. [Reserved.]

Section 13-109. Double parking prohibited.

No motor vehicle shall be "double-parked" on any of the streets of the City of Mount Rainier, at any time, except while actually being loaded or unloaded, which shall be done continuously and without any unnecessary delay and immediately upon completion, the vehicle shall be forthwith moved from its double-parked position.

Section 13-110. Operation and parking of trucks restricted.

It shall be unlawful for any person to drive a truck or other vehicle, on any street or alley within the corporate limits of the city, having an overall weight greater than that permitted on such street by sign erected on or along such street by order of the mayor and city council.

Section 13-111. Minimum clearance of eleven feet required on all streets.

It shall be unlawful for any person to park an automobile or other vehicle on any of the alleys or lanes of Mount Rainier in such a manner so as not to leave a minimum clearance of eleven (11) feet wherever the automobile or vehicle is so parked.

Section 13-112. Parking of unregistered vehicles.

It shall be unlawful to park or leave parked any motor vehicle with expired registration, no registration, altered registration, or registration listed to another vehicle on any street or alley within the City of Mount Rainier. Any such vehicle is subject to impoundment and parking citation issued.

Section 13-113. Parking administrative fee.

In addition to the fine and any penalties for late payment of a parking citation, an administrative fee of Twenty-five Dollars (\$25) shall be imposed for each parking citation that has been entered in the State of Maryland Motor Vehicle Administration parking violations and flagging program. The administrative fee and all outstanding fines, penalties, and other charges for the parking violation must be paid by cashiers or certified check or by money order. (Ord. 11-2003, 12/02/03)

Section 13-114. Repealed.

(Ord. 17-97, 9/2/97)

Section 13-115. Motor vehicle or machinery repairs.

It shall be unlawful for any person to make major repairs to any motor vehicle or machinery in any street or alley within the city. This section shall not prohibit minor and necessary emergency repairs.

Section 13-116. Traffic Calming Devices.

- A. **Definitions.** As used in this section, the following terms have the meanings indicated.
1. "Traffic Calming Device" (hereinafter referred to as "TCD") is a physical device used to regulate, guide, and/or control traffic in a residential area, for the purpose of pedestrian and traffic safety. The term TCD includes but is not limited to the following devices:
 - a. Speed zones: an identifiable area of reduced speed, indicated by signage or otherwise.
 - b. Speed humps: a raised section of asphalt or other construction material installed on a roadway in accordance with design specifications adopted by the Mayor and City Council. Such speed humps shall be installed for the purpose of improving pedestrian and traffic safety. They shall have a size and shape that is generally consistent with the dimensions specified by the Institute of Transportation Engineers, and shall otherwise be consistent with the policies of the State Highway Administration.
 - c. Raised intersections: contrasting surfaces such as brick, cobblestones or concrete in place of street surfaces at the intersection of two streets.
 - d. Traffic islands, circles and lateral shifts: physical barriers placed in the street to direct traffic in a specific direction including both temporary and permanent structures which do or do not contain landscaping.
Rumble strips: physical devices attached to the road surface to provide contrast to the road surface in order to slow traffic.
 - e. Rumble strips; physical devices attached to the road surface to provide contrast to the road surface in order to slow traffic.
 - f. Chokers: a portion of the sidewalk extending out approximately six (6) to eight (8) feet into the street.
 2. "Unit Block": unit block shall mean a subsection of, or a separate and distinct, but attached portion of a street, of no specific length or width, but which has been numerically designated and identified as part of that street. Each street may consist of numerous unit blocks.
 3. "Street": A continuous paved or unpaved public roadway bearing the same name.

4. “Dwelling unit”: one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities as defined by the Prince George’s Housing Code.
5. “Eligible Signature”: eligible signature means the signature of an individual, over the age of eighteen (18), residing in a dwelling unit located on a street upon which the installation of a TCD is being considered and signatures of individuals located within one (1) unit block of such streets upon which the installation of a TCD is being considered for only a portion of such street. Eligible signature also means the signature of residents over the age of eighteen (18) residing in the dwelling units located on streets for which the street upon which installation of the TCD is being considered provides the only means of ingress and egress. Only one signature per dwelling unit will be considered for any of the purposes set forth in this Ordinance.

B. Request for traffic calming device installation:

Requests for the installation of TCD’s are to be made by petition subject to the following conditions.

- 1 Residents of a street may request the installation of a TCD by submitting a petition to the City Manager containing eligible signatures from at least sixty percent (60%) of dwelling units located on the street, stating that such individuals want a traffic calming device.
- 2 If the TCD is being requested for only a portion of a street, the petition containing at least sixty percent (60%) of eligible signatures must be circulated to both individuals residing in dwelling units located on the unit block on which the TCD will be installed and to individuals residing in dwelling units located within one (1) unit block of the block containing the requested installation site.
 - a.. **The City Manager retains sole discretion to determine if residents of other streets need to be surveyed.**
3. The City Manager or his/her designee will validate petitions to determine that said petitions are in compliance with this Ordinance.
 - a. If it is determined that the petitions are in compliance, the location of the request will be assessed and a determination will be made as to the appropriate TCD to be installed; the Mayor will then schedule a public hearing in accordance with subsection C.

C. Procedures for public hearings on traffic calming device installation:

1. Conduct of public hearing: the Mayor shall schedule a public hearing after being notified by the City Manager in accordance with subsection B.(3).

- a. Notice will be given to all residents of the street upon which the proposed TCD is to be installed; and
 - b. If the TCD is being requested for only a portion of the street, notice will be given to residents of dwelling units on the unit block on which the TCD will be installed and also to individuals residing in dwelling units located within one (1) unit block of the block containing the requested installation site, and
 - c. For residents of other streets if the TCD is being installed on a street which provides their only means of ingress or egress, notification will be by the following means:
 - (i) **Advertising on the Mount Rainier cable television channel.**
 - (ii) **Publication in the Mount Rainier *Message*.**
2. Factors considered: The Mayor and City Council should take the following factors into consideration as guidance in determining whether to approve a petition for a TCD submitted by the residents of the eligible dwelling units. The factors listed below shall not be considered exclusive.
 - a. The street proposed for a TCD installation has an identified speeding problem which cannot be alleviated in any other reasonable manner than by a TCD installation. Such a problem can be identified through a combination of resident complaints, police radar surveillance and ticketing practices, accident statistics, or history of previous efforts to control speeding on the street.
 - b. The impact of the TCD on public transportation and public safety vehicles.
 - c. The impact of the TCD on adjacent streets and neighborhoods.
 - d. Whether the street carries a higher volume of non-residential traffic than would normally be expected.
 - e. The installation of TCD's will be assessed for their relation to any hill, curve or street condition of concern.
 3. The Mayor and City Council will announce their decision within sixty (60) days of the close of the public hearing record. Under extraordinary circumstances, this time limit may be extended by majority vote of the Council.
 4. The Mayor and City Council may approve, approve with modification, or deny the requested TCD installation.
 5. The petitioners will be notified, in writing, of the Mayor and City Council decision and this decision will also be published in the Mount Rainier Message. The Mayor

and City Council's statement will include the approximate timing of installation which would be dependent upon available resources.

D. Procedures for removing a traffic calming device installation:

1. A request for removal of a TCD, installed pursuant to subsection C above, must be by petition containing eligible signatures from sixty percent (60%) of the dwelling units located on the street upon which the TCD has been installed, or
2. If the TCD has been installed for only a portion of the street, the petition requesting removal must be signed by eligible signatures from sixty percent (60%) of the dwelling units located within one (1) block of the requested removal site, or
3. If the TCD has been installed on a street which provides the only means of ingress and/or egress for other streets, the petition requesting removal must be signed by eligible signatures from sixty percent (60%) of the dwelling units located on the street and such other streets.
4. No petition for removal will be considered until six (6) months have elapsed since the initial installation of the TCD.

E. Miscellaneous

1. Placement of traffic calming devices near parks and playgrounds. The Mayor and City Council may initiate the installation of TCD's on streets adjacent to neighborhood parks, playgrounds and schools.
2. Authority of the City over traffic calming devices. Nothing in these guidelines shall be construed as preempting the City, at its initiative, from installing, altering, maintaining or removing a traffic calming device installation. The residents will have an opportunity to discuss the proposed changes with the Mayor and City Council before the change is adopted and implemented.

(Ord. 21-96, 10/15/96)

Section 13-117. Administrative Fee. An administrative fee shall be added to any and all charges and fines associated with the impoundment of any motor vehicle within the City of Mount Rainier. This fee must be paid prior to the release of the vehicle.

Section 13-118. No Through Trucks.

- A. The definition of "truck" is a motor vehicle, except a multi-purpose passenger van, designed, used, and maintained primarily to carry property (as provided in Section 11-171 of the Transportation Article of the Annotated Code of Maryland).
- B. It shall be unlawful for any person to operate a truck upon or through all streets or portions of streets posted by signs which give notice of such prohibition.

- C. The planning and erection of the signs prohibiting truck traffic shall be conducted in accordance with the system set forth in the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways and with any other applicable Federal, State, and County laws, regulations, and policies.
- D. The prohibition contained in subsection (b) shall not apply to any truck which is making local pick-ups or deliveries of goods, supplies, merchandise or materials or which is providing services to any business or household located in the City.
- E. The prohibition contained in subsection (b) shall not apply to any truck which traverses 34th Street to and from Queens Chapel Road to deliver goods, supplies, merchandise or materials or provide services to any business located in the industrial area of Brentwood on the 3400 block of Windom Street.
- F. The prohibition contained in subsection (b) shall not apply to any such truck which is owned or operated by a resident of Mount Rainier and is allowed to be parked at the resident's dwelling in Mount Rainier.
- G. The prohibition contained in subsection (b) shall not apply to any truck which is owned or operated by a resident of 34th Street in Brentwood and is allowed to be parked at the resident's dwelling in Brentwood.
- H. A violation of this section is punishable by a fine of One Hundred Dollars (\$100).
- I. The following streets are designated for the erection of appropriate signs prohibiting truck traffic:
 - 1. 34th Street in its entirety, from the City boundary at Eastern Avenue to Arundel Road.
 - 2. Chillum Road from Arundel Road to the City boundary at Queens Chapel Road (MD Rt. 500).
 - 3. Arundel Road from 34th Street to Russell Avenue.
 - 4. Varnum Street from Russell Avenue to Eastern Avenue.
 - 5. Bunker Hill Road from Eastern Avenue to 37th Street.
 - 6. Perry Street from Eastern Avenue to Wells Avenue.
(Ord. 10-95, 4/18/95)
 - 7. 35th Street from Otis Street to Perry Street.
 - 8. 36th Street from Otis Street to Perry Street.
 - 9. 37th Street from Otis Street to Rhode Island Avenue.
 - 10. Wells Avenue from Otis Street to Perry Street.

J. The following streets are designated as the preferred access route for trucks in the neighborhood of Otis Street and Wells Avenue, where industrial and Urban Light Industrial properties are located:

1. 34th Street from Eastern Avenue to Rhode Island Avenue.
2. Otis Street from 34th Street to Wells Avenue.
(Ord. 3-99, 3/2/99)

Section 13-119. Enforcement.

A. It shall be the duty of the police officers, parking enforcement officer, and code enforcement officers of the City of Mount Rainier to enforce this chapter and, upon discovering any vehicle parked or standing or otherwise in violation of this chapter, to:

1. Deliver a citation to the driver of the vehicle is unattended, attach a citation in a conspicuous place; and
2. Keep a copy of the citation bearing the officer's certification under penalty of perjury that the facts stated in the citation are true.

B. In the absence of the driver of the vehicle, the registered owner of the vehicle is presumed to be the person receiving the citation.

C. Citations issued under this chapter shall state:

1. The address or location of the vehicle and the circumstances which indicate that the vehicle has been parked or standing or otherwise has been in violation of the provisions of this chapter.
2. The state license number of the vehicle.
3. The make and model of the vehicle.
4. The date and approximate time of the violation.
5. Any other facts necessary to an understanding of the circumstances of the violation.

D. The citation shall notify the person receiving the citation to pay the fine for the violation to the City of Mount Rainier within thirty (30) calendar days from the issuance of the citation, or to give written notice to the City of Mount Rainier within twenty-five (25) calendar days from the date of the issuance of the citation of intention to stand trial for the violation in District court. The citation also shall notify the owner or

driver of the vehicle that failure to pay the prescribed fine by the payment date or to request a trial may result in the vehicle being immobilized or impounded or the vehicle's registration renewal or transfer being withheld.

(Ord. 11-99, 6/1/99)

- E. Unless a different fine or penalty is expressly specified in this chapter or provided by law, the fine for a violation of this chapter shall be Thirty Dollars (\$30).
1. If the fine for the violation is not paid to the City of Mount Rainier within thirty (30) calendar days from the date of issuance of the citation or written notice of election to stand trial for the violation is not submitted to the City of Mount Rainier within twenty-five (25) calendar days from the date of issuance of the citation, then as a penalty for late payment, the fine for the violation shall double to Sixty Dollars (\$60).
 2. If the owner or driver of the vehicle neither sends timely written notice of his or her election to stand trial nor pays the fine for the citation within sixty (60) calendar days from the date of issuance of the citation, then, as an additional penalty for late payment, the fine for the violation shall increase to one hundred twenty (\$120).
 3. If the owner or driver of the vehicle has not sent timely written notice of his or her election to stand trial and the citation has still not been paid within ninety (90) calendar days from the date of issuance of the citation, then as an additional late payment penalty, the citation find shall increase to two hundred forty dollars (\$240).
 4. Before any penalty for late payment of a citation is imposed, the city shall mail a notice, by first-class United States mail, to the registered owner of the vehicle informing such person of the doubling of the fine for the citation, as set forth in subsections E.1-3 above. Failure to give or receive the notice of the citation fine doubling shall not relieve any owner or driver of the vehicle of the responsibility for the citation and payment of all applicable fines and penalties for the citation.

F. If a person elects to stand trial for the violation and desires the presence at trial of the officer who issued the citation, he or she shall so notify the City of Mount Rainier at the time the notice of intention to stand trial is given. If proper notification is not given, the officer need not appear at the trial, and the copy of the citation bearing the certification of the officer is prima facie evidence of the facts stated in the citation. A request to stand trial for the violation made after twenty-five (25) calendar days of issuance of the citation requires posting of collateral with the city equal to the fine plus all late penalties.

- G. The registered owner of the vehicle is responsible for a citation issued for violation of this chapter, whether or not the owner was the driver or in possession of the vehicle at the time of the violations and whether or not the owner actually received the citation.

(Ord. 6-2007, 10/02/07)

Section 13-120. Severability.

Reference Chapter 18, Section 101.

Section 13-121. Alley Closure.

3. Alley #16 at the alley entrance located in the 3400 block of Rhode Island Avenue shall be closed at or around September 1, 2000. Vehicular traffic is prohibited from exiting or entering the alley at Rhode Island Avenue upon closure of the alley. The City may also prohibit or limit pedestrian access to the alley by construction of a barrier or by other appropriate means.

(Ord. 7-2000, 8/15/00)

Section 13-122. Residential Parking Permits

A. Definitions. As used in this section, the following terms have the meanings indicated.

1. A Residential Parking Permit (hereinafter referred to as RPP) is a license granted by the city, per the terms of this Ordinance, for the purposes of controlling parking on a given designated block within the city. The RPP is subject to a fee to be designated by the Mayor and Council as part of the table of municipal fees. The RPP shall be subject to the following terms:

- a. Each RPP is associated with a particular dwelling unit.
 - b. The RPP designates a right to park on a particular restricted block but does not guarantee parking on said block to the permit holder. (For example, more permits could be issued than there are spaces on the block.)
 - c. A maximum of four (4) RPPs and two (2) VPs shall be generally available to each dwelling unit.

2. Unit Block: unit block shall mean a subsection of, or a separate and distinct, but attached portion of a street, of no specific length or width, but which has been numerically designated and identified as part of that street. Each street may consist of numerous unit blocks.

3. Street: A continuous paved or unpaved public roadway bearing the same name.

4. Dwelling unit: one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities as defined by the Prince George's Housing Code.

5. Eligible Signature: eligible signature means the signature of an individual, over the age of eighteen (18), residing in a dwelling unit located on a street upon which the installation of a RPP is being considered and signatures of individuals located within one (1) unit block of such streets upon which the installation of a RPP is being considered for only a portion of such street. Eligible signature also means the signature of residents over the age of eighteen (18) residing in the dwelling units located on streets for which the street upon which installation of the RPP is being considered provides the only means of ingress and egress. Only one signature per dwelling unit will be considered for any of the purposes set forth in this Ordinance.

6. A Visitor Pass (hereinafter referred to as VP) is a license, subsidiary to a specific RPP, granted by the city, per the terms of this Ordinance, for the purposes of

controlling parking on a given designated block within the city. The VP may be purchased for RPP holders to allow their guests to park on a restricted block in a manner not in violation of the other provisions of this Ordinance. The VP allows parking for a period not to exceed twenty-four (24) hours.

B. Request for residential parking permit designation: Requests for the designation of RPP's are to be made by petition subject to the following conditions.

1. Residents of a street may request the designation of an "elective" RPP by submitting a petition to the City Manager containing eligible signatures from at least sixty percent (60%) of dwelling units located on the street, stating that such individuals want a restricted parking zone designated.

2. If the RPP is being requested for only a portion of a street, the petition containing at least sixty percent (60%) of eligible signatures must be circulated to both individuals residing in dwelling units located on the unit block on which the RPP will be designated and to individuals residing in dwelling units located within one (1) unit block of the block containing the requested restricted zone designation.

a. **The City Manager retains sole discretion to determine if residents of other streets need to be surveyed.**

3. A "boundary area" restricted parking zone may be designated for unit blocks located within one (1) unit block of the Mixed Use Town Center (MUTC) zone boundary, or within one (1) unit block of a metered parking zone, by submitting a petition to the City Manager containing eligible signatures from at least sixty percent (60%) of dwelling units located on the street, stating that such individuals want a restricted parking zone designated.

4. The City Manager or his/her designee will validate petitions to determine that said petitions are in compliance with this Ordinance. If it is determined that the petitions are in compliance, the location of the request will be assessed and a determination will be made as to the appropriate RPP to be designated; the Mayor will then schedule a public hearing in accordance with subsection C.

C. Procedures for public hearings on residential parking permit designation:

1. Conduct of public hearing: the Mayor shall schedule a public hearing after being notified by the City Manager in accordance with subsection B.(3).

a. Notice will be given to all residents of the street upon which the proposed RPP is to be designated; and

b. If the RPP is being requested for only a portion of the street, notice will be given to residents of dwelling units on the unit block on which the RPP will be installed and also to individuals residing in dwelling units located within one (1) unit block of the block containing the requested designation site, including blocks outside Mount Rainier municipal boundaries, and

c. For residents of other streets if the RPP is being designated on a street that provides their only means of parking, notification will be by the following means:

- (i) Advertising on the Mount Rainier cable television channel.
- (ii) Publication in the Mount Rainier Message.

2. Factors considered: The Mayor and City Council should take the following factors into consideration as guidance in determining whether to approve a petition

for a RPP submitted by the residents of the eligible dwelling units. The factors listed below shall not be considered exclusive.

a. The street proposed for a RPP installation has an identified parking problem that cannot be alleviated in any other reasonable manner than by a RPP installation. Such a problem can be identified through a combination of resident complaints, police surveillance and ticketing practices, accident statistics, or history of previous efforts to control parking on the street.

b. The impact of the RPP on public transportation and public safety vehicles.

c. The impact of the RPP on adjacent streets and neighborhoods.

d. Whether the street carries a higher volume of non-residential parking than would normally be expected.

e. The designation of RPP's will be assessed for their relation to any hill, curve or street condition of concern.

f. The designation of RPPs will be assessed for their impact on blocks containing schools, parks, playgrounds, or other public spaces.

3. The Mayor and City Council will announce their decision within sixty (60) days of the close of the public hearing record. Under extraordinary circumstances, this time limit may be extended by majority vote of the Council.

4. The Mayor and City Council may approve, approve with modification, or deny the requested RPP installation.

5. The petitioners will be notified, in writing, of the Mayor and City Council decision and this decision will also be published in the Mount Rainier Message. The Mayor and City Council's statement will include the approximate timing of installation that would be dependent upon available resources.

D. Procedures for removing a residential parking permit designation:

1. A request for removal of a RPP, installed pursuant to subsection C above, must be by petition containing eligible signatures from sixty percent (60%) of the dwelling units located on the street upon which the RPP has been installed, or

2. If the RPP has been installed for only a portion of the street, the petition requesting removal must be signed by eligible signatures from sixty percent (60%) of the dwelling units located within one (1) block of the requested removal site, or

3. If the RPP has been installed on a street that provides the only means of parking for other streets, the petition requesting removal must be signed by eligible signatures from sixty percent (60%) of the dwelling units located on the street and such other streets.

4. No petition for removal will be considered until six (6) months have elapsed since the initial installation of the RPP.

E. Miscellaneous

1) Authority of the City over residential parking permits. Nothing in these guidelines shall be construed as preempting the City, at its initiative, from installing, altering, maintaining or removing a residential parking permit designation. The residents will have an opportunity to discuss the proposed changes with the Mayor and City Council before the change is adopted and implemented.

Table of Fees

Elective Parking Permit Zone: \$50 per year per vehicle, up to four (4) vehicles total per dwelling unit.

Visitor Passes: Each dwelling unit in an elective parking permit zone is eligible for two (2) visitor passes, at a cost of \$20 each, that must be renewed annually.