



Introduced and Read _____, 2013
 Second Reading and Adoption 11-5, 2013
 Posted _____ to _____, 2013
 Effective Date 11/5, 2013

**CITY OF MOUNT RAINIER
 ORDINANCE 9-2013**

Drafted by: (Councilmember Brent Bolin, City Manager, and City Attorney)
 Introduced by: _____

An Ordinance amending Chapter 13. Traffic of the Mount Rainier Code revising certain parking regulations and adding a new section for residential parking permits.

Whereas, the Mayor and Council have the authority through Article 23A of the Annotated Code of Maryland, and Article III, Section 307 of the City of Mount Rainier Charter, to enact resolutions and ordinances; and

Whereas, the Mayor and Council desire to revise certain parking regulations within the city which provides for an improved quality of life for citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL this 5th day of NOVEMBER, 2013 as follows:

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 13-122. 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.

BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL this 5th day of NOV, 2013 that this Ordinance shall take effect 11/5, 2013.

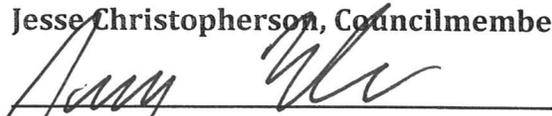
Attest:

Jeannelle B. Wallace



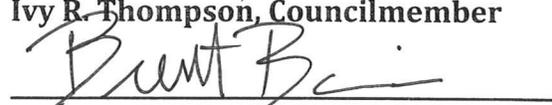
Malinda Miles, Mayor

Jesse Christopherson, Councilmember



Jimmy Tarlau, Councilmember

Ivy R. Thompson, Councilmember



Brent C. Bolin, Councilmember

Note: Underlined is proposed new language.
~~Strikethrough~~ is proposed deleted language.
Red indicates amended language after the first reading.