

**BOARD OF COMMISSIONERS
FOR THE
TOWN OF UPPER MARLBORO**

ORDINANCE: 2018-05

SESSION: Regular Town Meeting

INTRODUCED: June 26, 2018

AN ORDINANCE OF THE TOWN OF UPPER MARLBORO AMENDING ORDINANCE 2016-02 (VEHICLE AND TRAFFIC) THEREBY DESIGNATING A NEW PARKING METER ZONE ALONG JUDGE'S DRIVE AND GENERALLY RELATING TO THE REGULATION OF PARKING AND TRAFFIC

WHEREAS, pursuant to Transportation Art., § 25-102(a)(1) and § 21-1001 *et seq.* of the Annotated Code of Maryland, the Town of Upper Marlboro (the "Town") has the authority to regulate or prohibit the stopping, standing or parking of vehicles; and

WHEREAS, pursuant to LG Art., § 5-205(d)(1) of the Annotated Code of Maryland, a municipality may establish and collect reasonable fees and charges associated with the exercise of a governmental or proprietary function exercised by the municipality; and

WHEREAS, pursuant to § 82-16(2)(qq) of the Town Charter, the Board of Town Commissioners has the power to pass ordinances not contrary to the laws and Constitution of this State, for the specific purpose of installing parking meters on the streets and public places of the Town in such places as by ordinance may be determined, and by ordinance prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Roads Commission of Maryland must first be approved by the Commission; and

WHEREAS, as defined in Maryland Motor Vehicle Law, there are currently two "Local Authorities" in the Town having jurisdiction over metered parking and issuing parking citations, whereby the Town of Upper Marlboro Police Department issues Town citations for certain street metered parking, and the County Police and Revenue Authority also issues such citations within the Town for metered parking located along county roadways within the corporate limits; and

WHEREAS, Ordinance 2016-02 entitled "Vehicle and Traffic" was enacted by the Board of Town Commissioners on July 12, 2016, which replaced certain long-standing ordinances governing parking and traffic including the establishment of metered parking zones along public highways within the Town; and

WHEREAS, pursuant to Md. Ann. Code, Transp. Art., 21-1004(d) the State Highway Administration or any local authority may place signs that prohibit or restrict the stopping, standing, or parking of vehicles on any highway in its jurisdiction where to stop, stand, or park would endanger those using the highway, or interfere unduly with the free movement of traffic on the highway; and

WHEREAS, pursuant to Md. Ann. Code, Transp. Art., Section 25-102, "the provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising certain powers as to highways under its jurisdiction including regulating or prohibiting the stopping, standing, or parking of vehicles;" and

WHEREAS, like the Town of Upper Marlboro, Prince George’s County has its own ordinance governing parking and the use of parking meters pursuant to § 26-131 *et seq.* of the County Code; and

WHEREAS, the Board of Commissioners finds that the regulation of the parking of automobiles on public streets by a municipality is a valid exercise of the State’s delegated police power, and that limited parking in the Town is a substantial public convenience and safety issue of concern, and that by increasing the number of metered parking spaces available to the public, the public in general and the Town will enjoy more efficient service and economies of scale, which is in the best interest of the Town and the motoring public; and

WHEREAS, pursuant to Md. Ann. Code, LG Art., Section 4-111, legislation enacted by a county does not apply in a municipality located in the county if the legislation that relates to a subject on which a public general law or the municipal charter grants the municipality legislative authority, and the municipality by ordinance or charter amendment specifically exempts itself from the county legislation; or generally exempts itself from county legislation covered by the type of grant of authority to the municipality; and

WHEREAS, the Board of Commissioners intends to establish a new municipal parking meter zone and install the appropriate traffic control devices and meters within and along the entirety of Judge’s Drive, owned and maintained by Prince George’s County and designated as Route Number OP (Other Public) 4980 according to the Route Number Index Map published by the State Highway Administration, thereby specifically exempting itself from the county legislation as it applies to said newly created municipal parking meter zone.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, DOES ORDAIN AND ENACT AN AMENDMENT TO ORDINANCE 2016-02 SUCH THAT SAID ORDINANCE SHALL HEREBY READ AS FOLLOWS:

VEHICLES & TRAFFIC ORDINANCE

D. Establishment of Parking Meter Zones

The below areas are authorized by the Board of Town Commissioners to be designated as metered parking areas.

1. All street parking in the 14500, 14600, 14700, 14800 & 14900 blocks of Main Street (Route 725), the entirety of Water Street, and the east side of Elm Street.
2. The Town-owned Church Street Parking lot located at 14525 Church Street.
3. The north side of Old Mill Road, and the south side of Pratt Street.
4. All street parking along the entirety of Judge’s Drive.
5. Other areas as set by the Board of Town Commissioners by amending this Ordinance.

Section 5-B: Commercial Vehicle and Recreational Vehicle: No person shall park any commercial vehicle or recreational vehicle on any public street, residential property, or public right-of-way in the Town between the hours of 5 p.m. and 7 a.m., Mondays through Fridays, or at any time on weekends or holidays. Exempted are vehicles in the process of making deliveries which do not park for more than a two-hour period. Also, exempted are vehicles for which a written permit for the same shall have been obtained from the Town Police Chief. Such permit shall be issued only for good cause and for a period not to exceed forty-eight (48) hours or unless a written permit for a longer period shall have been granted by action of the Board of Town Commissioners. In cases of unusual circumstances, the Board of Town Commissioners may grant a long-term permit for a period not exceeding one year, and such permit may be renewed only by action of the Board of Town Commissioners.

Section 10 E. Boot Fee: In addition to any other authorized charges, a boot or immobilization fee of \$150.00 (was \$50) shall be charged a vehicle owner who violates this Ordinance or is otherwise responsible which results in immobilization as described in this Ordinance to defray the Town's cost of installing, removing and maintaining the boot device.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board Commissioners of the Town of Upper Marlboro, Maryland that the Town hereby specifically exempts itself from any Prince George's County ordinances or other legislation as it applies to the regulation of parking and use of parking meters within the newly created municipal parking meter zone hereby designated along Judge's Drive within the corporate limits of the Town as established by this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed amended, repealed and/or superseded by the provisions of this Ordinance, as applicable, and should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Board of Commissioners.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

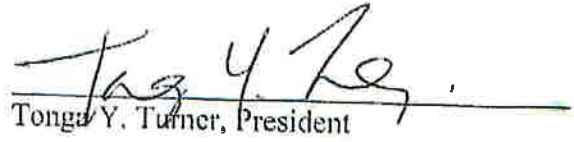
Adopted this 14th day of August, 2018.

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS



Attest:


M. David Williams, Town Clerk


Tonga Y. Turner, President


Linda Pennoyer, Commissioner


Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency


Kevin J. Best, Esq. Date: 8/20/18