

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING
CHAPTER 184 “VEHICLES AND TRAFFIC”, ARTICLE II “PARKING
REGULATIONS” BY REPEALING AND REENACTING §184-6 “DEFINITIONS” AND
§184-8, “PROHIBITED VEHICLES, PERMITS REQUIRED FOR CERTAIN
VEHICLES” TO DEFINE GOOD CAUSE, ELIMINATE WEIGHT AND LOAD
CAPACITY LIMITS FOR VEHICLES THAT DO NOT EXCEED 21 FEET IN
LENGTH OR 6 FEET IN WIDTH; AUTHORIZE THE CITY MANAGER TO GRANT
PERMISSION FOR GOOD CAUSE TO ALLOW A PROHIBITED VEHICLE TO
PARK ON A CITY STREET FOR NO MORE THAN 30 DAYS; AND AUTHORIZE
THE ADVISORY PLANNING COMMISSION TO HEAR AND MAKE
RECOMMENDATIONS TO THE COUNCIL WITH RESPECT TO REQUESTS FOR
PERMISSION FOR GOOD CAUSE TO PARK PROHIBITED VEHICLES FOR
LONGER THAN 30 DAYS

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the City of College Park (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the residents of the City and to prevent and remove nuisances; and

WHEREAS, pursuant to §25-102 of the Transportation Article, Annotated Code of Maryland, the Mayor and Council are authorized to regulate parking of vehicles in the City; and

WHEREAS, the Mayor and Council have regulated parking on City streets and rights of way in Chapter 184; and

WHEREAS, §184-8(b) prohibits the parking of certain vehicles on City streets, including any vehicle exceeding a manufacturer's gross vehicle weight specification of 8,500 pounds and any vehicle exceeding 300 cubic feet of load space; and

WHEREAS, it has been determined that removal of these weight and load space limits for vehicles that do not exceed 21 feet in length and 6 feet in width will not adversely impact safety in parking and driving on City streets; and

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
[Brackets]	: Indicate matter deleted in amendment

WHEREAS, §184-8(b) allows a resident to request permission to park a prohibited vehicle on City streets for good cause; and

WHEREAS, the Mayor and Council have determined that certain changes are necessary in §184-6 and §184-8, to better define good cause, to remove the weight and load space limits for vehicles that do not exceed 21 feet in length and 6 feet in width, to authorize the City Manager to grant permission to park prohibited vehicles for up to 30 days for good cause, to limit the period of time that parking of prohibited vehicles may be authorized, and to authorize the Advisory Planning Commission to hear and make recommendations to the Mayor and Council with respect to requests for permission to park prohibited vehicles for longer than 30 days.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 184 “Vehicles and Traffic”, §184-6 “Definitions” be and it is hereby repealed and reenacted with amendments as follows:

§184-6 Definitions

As used in this Article, the following terms shall have the meanings indicated:

GOOD CAUSE

FOR PURPOSES OF §184-8, DEMONSTRATION BY THE RESIDENT APPLICANT THAT:

1. PARKING ON THE STREET IS NECESSARY; AND
2. THE LOCATION AND SIZE OF THE VEHICLE WILL NOT CREATE ANY SAFETY HAZARD OR OBSTRUCTION FOR EMERGENCY VEHICLES, MOTORISTS OR PEDESTRIANS.

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Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 184 “Vehicles and Traffic”, §184-8 “” be and it is hereby repealed and reenacted with amendments as follows:

§184-8 Prohibited vehicles, permits required for certain vehicles.

A. * * * * *

B. Parking restrictions for certain vehicles.

(1) Within the corporate limits of the City, it shall be unlawful to park or leave standing the following vehicles at any time upon any public street in a residential zone, and between the hours of 8:00 p.m. and 6:00 a.m. on each day of the week on any other public street:

- (a) Any vehicle exceeding 21 feet in length or six feet in width that is used for commercial purposes;
- (b) Any vehicle exceeding a manufacturer's gross vehicle weight specification of 8,500 pounds AND 21 FEET IN LENGTH OR SIX FEET IN WIDTH;
- (c) Vehicles exceeding 300 cubic feet of load space AND 21 FEET IN LENGTH OR SIX FEET IN WIDTH, and any stake platform trucks, dump trucks, crane or tow trucks.

(2) This subsection shall not apply to vehicles while actually loading or unloading, or to vehicles which are in the course of a commercial purpose and do not park for more than a two-hour period.

(3) Permission to park a prohibited vehicle, or to extend the time for parking, may be obtained by means of an oral or written permit from the City Manager. Such permit shall be issued only for good cause and for a period not to exceed ~~[24 hours]~~ 30 DAYS, unless a written permit for a ~~[longer]~~ period NOT TO EXCEED TWO YEARS shall have been granted by action of the Mayor and Council, and such permit shall be granted only for good cause. ANY REQUEST TO EXTEND THE TWO YEAR PERIOD FOR GOOD CAUSE MUST BE APPROVED BY THE MAYOR AND COUNCIL. ~~[Prior notice of the meeting at which the Mayor and Council intend to consider or take action on an application for such a permit will be sent to the owner of each residence on the block where the vehicle could be authorized to park.]~~

(4) AN APPLICATION FOR PERMISSION TO PARK A VEHICLE PROHIBITED BY THIS SUBSECTION 184-8(B) FOR MORE THAN 30 DAYS, OR FOR ANY EXTENSION, SHALL FIRST BE REFERRED TO THE ADVISORY PLANNING COMMISSION FOR ITS RECOMMENDATION TO THE MAYOR AND COUNCIL WITH RESPECT TO

WHETHER THE APPLICATION SHOULD BE GRANTED FOR GOOD CAUSE AS DEFINED IN THIS ARTICLE.

(A) A RESIDENT SHALL BE ENTITLED TO A HEARING ON THE PARKING REQUEST BY THE ADVISORY PLANNING COMMISSION, SUBJECT TO SUBMITTING SUPPORTING DOCUMENTATION AS REQUIRED. PRIOR NOTICE OF THE HEARING AT WHICH THE COMMISSION INTENDS TO CONSIDER OR TAKE ACTION ON A PARKING REQUEST WILL BE SENT TO THE OWNER OF EACH RESIDENCE ON THE BLOCK WHERE THE VEHICLE COULD BE AUTHORIZED TO PARK.

(B) NOT LESS THAN 15 CALENDAR DAYS AFTER RECEIPT OF THE RECOMMENDATION OF THE COMMISSION REGARDING A REQUEST FOR PERMISSION, A MAJORITY OF THE MAYOR AND COUNCIL MAY ADOPT THE RECOMMENDATION BY CONSENT, UNLESS EXCEPTIONS THERETO HAVE BEEN FILED. FAILURE OF THE MAYOR AND COUNCIL TO ACT ON A RECOMMENDATION OF THE COMMISSION WITHIN 30 DAYS OF THE RECEIPT THEREOF SHALL RESULT IN THE DENIAL OF THE REQUEST.

(C) ANY PERSON OF RECORD AND/OR ANY COUNCIL MEMBER MAY FILE WITH THE MAYOR AND COUNCIL, WITHIN 15 CALENDAR DAYS AFTER NOTICE OF THE COMMISSION'S RECOMMENDATION REGARDING THE PARKING REQUEST, EXCEPTIONS THERETO AND A REQUEST TO BE HEARD BY THE MAYOR AND COUNCIL. THE CITY CLERK SHALL GIVE AT LEAST SEVEN CALENDAR DAYS' NOTICE TO THE MEETING AT WHICH THE EXCEPTION WILL BE CONSIDERED TO ALL PERSONS OF RECORD AND THE COMMISSION. AFTER COMMENT BY PERSONS OF RECORD, THE MAJORITY OF THE MAYOR AND COUNCIL MAY ACCEPT, DENY OR MODIFY THE RECOMMENDATION OF THE COMMISSION OR RETURN THE PARKING REQUEST TO THE COMMISSION TO TAKE FURTHER TESTIMONY OR RECONSIDER ITS RECOMMENDATION. THE COUNCIL SHALL GIVE ITS DECISION AT A PUBLIC MEETING.

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of

the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for **7:30 P.M.** on the 7th day of **December**, 2021, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it.

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that this Ordinance shall become effective on _____, 2021 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

INTRODUCED by the Mayor and Council of the City of College Park at a regular meeting on the **16th** day of **November**, 2021.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2021.

EFFECTIVE the _____ day of _____, 2021.

ATTEST:

CITY OF COLLEGE PARK

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney