

Resolution No: 02-01-10

Introduced: 02-16-10

Adopted: 02-16-10

BOARD OF MANAGERS

For

Chevy Chase Village, MD

Subject: AMENDMENT TO CHAPTER 13 OF THE VILLAGE CODE TO ADD A NEW SECTION 13-11A TO ESTABLISH A PROCEDURE FOR RESTRICTING THE PARKING OF MOTOR VEHICLES IN CERTAIN LOCATIONS ON PUBLIC STREETS IN CHEVY CHASE VILLAGE AND TO AMEND SECTION 6-5 OF THE VILLAGE CODE TO ESTABLISH THE FINE FOR VIOLATING SECTION 13-11A

WHEREAS, Article 23A, Section 2(a) of the Maryland Code, as amended, authorizes the legislative body of municipal corporations in the State of Maryland to pass ordinances that such legislative bodies deem necessary to assure the good government of the municipality, to protect and preserve the municipality's rights, property and privileges, to preserve peace and good order, and to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, Section 77-14(a) of the Chevy Chase Village Charter authorizes the Board of Managers to pass ordinances as it may deem necessary for the health, safety and welfare of Chevy Chase Village, for the protection and preservation of Chevy Chase Village property, rights and privileges, for the preservation of peace and good order, and for securing persons and property from violence, danger or destruction, and for the suppression and abatement of all nuisances, including motor vehicle regulations; and

WHEREAS, Maryland Code, Transportation Article, Section 26-301 authorizes political subdivision of the State of Maryland, including Chevy Chase Village, to adopt ordinances or regulations that regulate the parking of vehicles, provide for the impounding of vehicles parked in violation of such ordinances or regulations and provide for the issuance of a citation by an officer for a violation of an ordinance or regulation adopted under Section 26-301; and

WHEREAS, public buildings and other public facilities serve a public function and provide benefits to the general public; and

WHEREAS, the efficient and effective use of public buildings and other public facilities is enhanced by promoting convenient access to such buildings and facilities for employees and visitors; and

WHEREAS, the Village Hall houses Village offices, meeting rooms and other Village facilities as well as a branch of the United States Postal Service; and

WHEREAS, the Village Hall is heavily used by the public; and

WHEREAS, the parcel of land upon which the Village Hall is located does not have sufficient space to provide on-site parking for Postal Service employees and visitors and Village government vehicles, employees and visitors; and

WHEREAS, a lack of convenient parking for government vehicles and employees and visitors to public buildings and facilities may result in: 1) increased traffic on residential streets as employees and visitors search for parking; 2) decreased pedestrian safety as employees and visitors walk several blocks along streets without sidewalks to visit the Village Hall; 3) a possible breach of the lease with the United States Postal Service, which lease requires the provision of nearby parking spaces; and 4) a reduction in the level of public cooperation with the Village government, if access to the Village offices is difficult due to a lack of nearby parking; and

WHEREAS, providing reasonably convenient on-street parking for Postal Service employees and visitors and Village government vehicles, employees and visitors contributes to the efficient functioning of the Village government and Post Office and is necessary for the public

health, safety, convenience or welfare; and

WHEREAS, the Board of Managers considered the following ordinance in public session assembled on the 16 day of February, 2010; and

WHEREAS, the Board of Managers finds that restricting the parking of motor vehicles in certain locations on public streets in Chevy Chase Village is, in certain circumstances, necessary for the health, safety and welfare of the Village; for the protection and preservation of Village property, rights and privileges; for the preservation of peace and good order and for securing persons and property from violence, danger or destruction; for suppressing and abating nuisances; and to protect the health, comfort and convenience of the citizens of the Village; and

WHEREAS, the Board of Managers finds that establishing a fine for violating restrictions on the parking of motor vehicles adopted pursuant to Section 13-11A is necessary for the health, safety and welfare of the Village; for the protection and preservation of Village property, rights and privileges; for the preservation of peace and good order and for securing persons and property from violence, danger or destruction; for suppressing and abating nuisances; and to protect the health, comfort and convenience of the citizens of the Village; and

WHEREAS, the Board of Managers finds that the ordinance as hereinafter set forth is necessary for the health, safety and welfare of the Village; for the protection and preservation of Village property, rights and privileges; for the preservation of peace and good order and for securing persons and property from violence, danger or destruction; for suppressing and abating nuisances; and to protect the health, comfort and convenience of the citizens of the Village.

NOW, THEREFORE, the Board of Managers of Chevy Chase Village does hereby adopt the following ordinance:

AN ORDINANCE ENTITLED:

AMENDMENT TO CHAPTER 13 OF THE VILLAGE CODE TO ADD A NEW SECTION 13-11A TO ESTABLISH A PROCEDURE FOR RESTRICTING THE PARKING OF MOTOR VEHICLES IN CERTAIN LOCATIONS ON PUBLIC STREETS IN CHEVY CHASE VILLAGE AND TO AMEND SECTION 6-5 OF THE VILLAGE CODE TO ESTABLISH THE FINE FOR VIOLATING SECTION 13-11A

SECTION 1.

BE IT ORDAINED AND ORDERED, this 16 day of ~~February~~²⁰¹⁰, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by Article 23A and the Transportation Article of the Maryland Code and the Village Charter, that a new Section 13-11A be and the same hereby is added to the Chevy Chase Village Code to read as follows:

Sec. 13-11A. Restrictions on parking near public buildings or facilities.

(a) Whenever the Board of Managers determines that it is necessary for the public health, safety or welfare, the Board is hereby authorized to issue orders restricting the parking of motor vehicles on streets, or portions thereof, under the jurisdiction of the Village. Such restrictions may include, but are not limited to, restricting the use of on-street parking spaces to employees at, or visitors to, public buildings or facilities. The Board shall provide for the erection of signs to give public notice of such orders. Any order issued pursuant to this section shall not be effective until such signs have been erected. The orders issued hereunder shall be recorded in a permanent file, open to the public, located in the Village office.

(b) It shall be unlawful for any vehicle to remain parked in any restricted parking area during a period when such parking is prohibited to such vehicle.

Cross reference(s)—Fine for violation of this section, § 6-5(i).

(No. 3-01-98, 3-9-98; 0-0-10, 0-0-10)

SECTION 2.

BE IT FURTHER ORDAINED AND ORDERED, this 16 day of ~~February~~²⁰¹⁰ by the Board of Managers of Chevy Chase Village, Montgomery County, Maryland acting under and

by virtue of the authority granted to it by Article 23A and the Transportation Article of the Maryland Code and the Village Charter that Section 6-5 be amended to read as follows:

Sec. 6-5. Parking, stopping or standing fines.

The following fines are established for certain parking violations:

* * *

<u>(i)</u> Section 13-11A, restrictions on parking near public buildings or facilities.....	25.00
[(i)] <u>(j)</u> Section 13-12, obstructing or parking within five (5) feet of driveway	15.00
[(j)] <u>(k)</u> Section 13-13, commercial vehicle parked in residential area	15.00
[(k)] <u>(l)</u> Section 13-14, parking in violation of official sign	25.00
[(l)] <u>(m)</u> Section 13-15, snow/ice emergency, no parking	20.00
[(m)] <u>(n)</u> Section 13-16(a)(1), no stopping, standing or parking to impede traffic	25.00
[(n)] <u>(o)</u> Section 13-16(a)(2), no stopping, standing or parking on sidewalk	25.00
[(o)] <u>(p)</u> Section 13-16(a)(3), no stopping, standing or parking in intersection	25.00
[(p)] <u>(q)</u> Section 13-16(a)(4), no stopping, standing or parking in crosswalk	25.00
[(q)] <u>(r)</u> Section 13-16(a)(5), no parking along barricade or excavation	25.00
[(r)] <u>(s)</u> Section 13-16(a)(6), no stopping, standing or parking during rush hour	25.00
[(s)] <u>(t)</u> Section 13-16(a)(7), no parking on median strip or grass	25.00
[(t)] <u>(u)</u> Section 13-16(a)(8), no parking in handicap parking area	25.00
[(u)] <u>(v)</u> Section 13-16(b)(1), no standing or parking within fifteen (15) feet of a fire hydrant	25.00
[(v)] <u>(w)</u> Section 13-16(b)(2), no standing or parking within twenty (20) feet of a crosswalk	15.00
[(w)] <u>(x)</u> Section 13-16(b)(3), no standing or parking within thirty (30) feet of signals/stop	15.00
[(x)] <u>(y)</u> Section 13-16(b)(4), parking in violation of official sign prohibiting standing	20.00
[(y)] <u>(z)</u> Section 13-16(b)(5), no standing or parking in fire lane	25.00
[(z)] <u>(aa)</u> Section 13-16(b)(6), parking more than twelve (12) inches from curb	15.00

[(aa)](bb) Section 13-16(b)(7), no standing or parking opposite flow of traffic 15.00

[(bb)](cc) Section 13-16(b)(8), double parking or standing 25.00

[(cc)](dd) Section 14-11, violating residential permit parking20.00

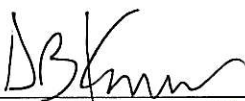
SECTION 3.

AND BE IT FURTHER ORDAINED AND ORDERED, this 16 day of February, 2010, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code and the Village Charter, that:


1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the 3 day of March, 2010, provided the same is posted at the Village Office for fourteen (14) days prior thereto.

CHEVY CHASE VILLAGE



 Douglas B. Kamerow, Chairman
 Board of Managers
 Chevy Chase Village

ATTEST: 

 Robert L. Jones, Secretary

DATED: 3/3/10

underlining indicates new material.
 [brackets] indicate material deleted.
 asterisks *** indicate material unchanged.