



# Town of Berwyn Heights

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## ***ORDINANCE 119 - TRAFFIC AND PARKING***

### **Section 1. Applicability**

All persons operating, parking or storing vehicles on public streets or public right-of-way within the corporate limits of the Town of Berwyn Heights shall obey and abide by the regulations herein stated.

### **Section 2. Authority**

The authority of the Mayor and Council to regulate all public streets controlled by the Town comes, in part, from the Maryland Motor Vehicles, Title 25-102, and the Berwyn Heights Town Charter, Section 801.

### **Section 3. Definitions**

A. Recreational Vehicle - Any vehicle originally sold to a consumer by a manufacturer or dealer for recreational purposes which is self-propelled or capable of being towed by a motor vehicle or any vehicle which provides facilities for temporary camping or sleeping or both, including a unit designed to be carried by an open pickup truck. The term "recreational vehicle" includes camping trailer, travel trailer, camper, motor home, truck camper, boat, boat trailer, and water craft. Excluded will be pickup trucks with caps over the bed.

B. Commercial Vehicle - Any vehicle or motor vehicle including school buses, not qualifying as a recreational vehicle or passenger vehicle as defined in this subsection that:

- 1) is designed, used or maintained to carry freight, property, merchandise, or passengers for a fee, in furtherance of a commercial enterprise; or
- 2) has more than four (4) wheels; or
- 3) displays commercial lettering or advertising; or
- 4) has a maximum gross vehicle weight over 7,000 lbs.; or
- 5) the manufacturer's rate capacity is over 3/4 ton.

C. Passenger Vehicle - Any motor vehicle licensed by the State of Maryland as a Class A or Class D motor vehicle or any panel van under three hundred (300) cubic foot load space capacity equipped for carrying passengers, not goods in the load space, and any pick-up vehicle (Class E) with a manufacturer's rated capacity of three quarters of a ton or less and the maximum gross vehicle weight is 7,000 lbs. or less.

D. Owner - Any person who has property in or title to the use and possession of the vehicle, and includes any firm, association or corporation that is entitled to the use and possession of the vehicle.

E. Public Street - Any street or thoroughfare of any kind dedicated as a public right-of-way and maintained by the Town.

F. Abandoned, junked, wrecked, or non-road worthy motor vehicle - means any motor vehicle which is unregistered, improperly registered, or which is without current State of Maryland license tags unless the State of Maryland expressly exempts such vehicles from registration requirements; bears the license tags of another vehicle; is disabled or inoperable; is dismantled or partially dismantled; is substantially damaged or in disrepair; or is unable to pass inspection by the Maryland Motor Vehicle Administration.

G. Construction Materials - Any construction or building materials, contractor's equipment, or excavating debris, material or equipment.

#### **Section 4. Restrictions**

A. Parking of Vehicles for more than seventy-two (72) hours - No vehicle shall be parked upon any public street or public right-of-way in the Town longer than seventy-two (72) consecutive hours. Exempted are legally parked and properly licensed vehicles, operable vehicles which are parked on the public street area directly adjacent to the property owner or resident to whom the vehicle is registered.

B. Commercial Vehicle and Recreational Vehicle - No person shall park any commercial vehicle or recreational vehicle on any public street or public right-of-way in the Town between the hours of 7 PM and 7 AM, 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. Exempted are vehicles for which a written permit for the same shall have been obtained from the Town Administrator. Such permit shall be issued only for good cause and for a period not exceeding seventy-two (72) hours or unless a written permit for a longer period shall have been granted by action of the Mayor and Council. In cases of unusual circumstances, the Mayor and Council may grant a long-term permit for a period not exceeding one year, and such permit may be renewed only by action of the Mayor and Council.

C. Abandoned Vehicles - No person shall abandon any motor vehicle in Town, nor permit any abandoned vehicles to remain on their property. Exempted are vehicles within an enclosed structure or covered by a tarpaulin.

D. Construction Materials - No construction materials of any kind shall be placed or stored on any public street or public right-of-way within Town. Exempted are items required by a contractor, building or public utility company working on a project where permission or necessary permits have been obtained from the Town. Also exempted are public utility companies making emergency repairs. No construction equipment shall be parked or construction materials stored overnight without Council approval.

E. Emergency Minor Repairs - No person, firm or corporation shall service any motor vehicle on any public street or public right-of-way of the Town. Exempted are emergency minor

repairs such as brakes, electrical or fuel systems and tire repairs. All other repairs shall be considered major repairs.

F. Standing or Parking Vehicles - No person shall stand or park a vehicle on any public street or public right-of-way in Town under the following conditions:

- 1) Driveway Entrances - In front of a private driveway which provides access to a public street without the consent of the owner or occupant of the premises.
- 2) Fire hydrant - Within fifteen (15) feet of a fire hydrant.
- 3) Crosswalk - Within twenty (20) feet of a crosswalk at an intersection.
- 4) Traffic Control Devices - Within thirty (30) feet on the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway.
- 5) Signs Prohibiting Parking - At any place where standing or parking is prohibited by an official sign.
- 6) Handicapped zone - In a space or zone marked as restricted for the use of handicapped individuals, unless displaying a handicapped license plate or window sticker.
- 7) Sidewalk - On any sidewalk.
- 8) Fire Lane - At any Fire Lane marked by posted sign, or by yellow or red curbing.
- 9) Bridge - On any bridge or elevated structure
- 10) Double Parking - A person may not stand or park a vehicle on the roadway side of any other vehicle that is stopped or parked at the edge or curb of a roadway.
- 11) Travel Portion of Roadway - A person may not stop, park, or leave standing on the roadway any vehicle, whether attended or unattended, if it is practical to stop, park, or leave the vehicle to stop, park, or leave the vehicle standing off the roadway. A person may not leave any vehicle standing without providing an unobstructed width of the roadway opposite the standing vehicle for the free passage of other vehicles.
- 12) Private or Public Driveways - A person may not stop, stand, or park a vehicle partially in a private or public driveway, and partially into the roadway. Vehicles must not extend the property line of the driveway into the roadway.

G. Parking next to curbs - All standing or parked vehicles must be placed with the right side parallel to and within twelve (12) inches of the curb or improved surface on the right-hand side of the public street. On public streets where traffic is permitted to move in one direction only, cars may park with either side parallel to the curb in the direction and flow of traffic. Excluded shall be parking within the circumference of cul-de-sacs where front-end parking is permitted.

H. Truck weights - No owner shall stop, stand or park on an public street or public right-of-way any truck within the town limits that falls into the following classes; FA, FB, FD, EPF, and any Class E dump service vehicle or Class E registered vehicle with a gross weight limit in excess of 20,000 pounds.

No owner shall operate, or allow to be operated, through Town any vehicle that falls under the provisions of Section 4, subsection H. Exemptions to this restriction are any owner who is performing work or making commercial deliveries within Town.

- I. Private Property - A person may not stop, stand, or park a vehicle on any private property not owned by the owner or driver of the vehicle unless the person has expressed or implied permission from the property owner, his tenant, or his agent to stop, stand, or park the vehicle, as the case may be.
- J. Unattended Motor Vehicles - A person driving or otherwise in charge of a motor vehicle may not leave it unattended until the engine is stopped, the ignition locked, the key removed, and the brake effectively set. This section does not apply when an animal is left in the unattended vehicle of an on-duty law enforcement or animal control officer.
- K. Front and Rear License Plates - For a vehicle for which two registration plates are required, one plate shall be attached on the front and rear of the vehicle. Each registration plate shall be securely fastened in a horizontal position and maintained free from foreign materials so as to be clearly legible.

### **Section 5. Impounding Vehicles**

Town police are authorized to remove vehicles which have been issued an official traffic citation from public streets or public right-of-ways under the following circumstances:

- A. Disabled vehicles - When a vehicle is so disabled as to be incapable of being driven.
- B. Incapacitated operator - When the person in charge of the vehicle is incapacitated, incarcerated, unlicensed or absent, thereby being unable to provide for its custody or removal.
- C. Hazard or obstruction - When a vehicle is parked illegally so as to constitute a hazard or obstruction to traffic.
- D. Unattended in restricted area - When a vehicle is left unattended on a public street or public right-of-way within an area sign posted to prohibit parking during an emergency or special activity.
- E. Parked for more than seventy-two (72) hours (3 days) - When a vehicle remains on a public street or public right-of-way in violation for a continuous period exceeding seventy-two (72) hours (3 days).

Whenever a vehicle has been impounded, the police officer shall notify the registered owner by mail of any action taken.

### **Section 6. Penalties**

- A. Misdemeanor - Violation of any provision of this Ordinance shall be deemed a misdemeanor and any person convicted of such violation shall be fined not less than twenty-five (\$25.00) dollars or more than one hundred (\$250.00) dollars.
- B. Town Citations - Any Town citation which is unpaid longer than thirty (30) days following issuance shall double. Citations which are unpaid for sixty (60) days shall double again. All unpaid parking citations are subject to the State of Maryland Flagging Program.

- C. Payment to Town - A person who elects to pay the charges of a Town citation shall do so directly to the Town of Berwyn Heights, Maryland 20740.
- D. Election to stand trial - A person who receives a Town citation has the option to stand trial for the violation. An election to stand trial shall be made by sending a notice of intent to the Berwyn Heights Police Department within five (5) days of the date the citation was issued. If a person desires the presence at trial of the Police Officer who issued the citation, he shall so indicate when notifying the Police of Intention to stand trial. If proper notification is not given, the Police Officer need not appear at trial, and a copy of the citation bearing the certification of the officer is prima facie evidence of the facts stated therein.
- E. Fees and Fines – Fees and fines shall be set from time-to-time by resolution of the Town Council. The Town Council adopted resolution is a separate document kept on file in the Town Administration Office.

#### **Section 7. Severability**

If any section or provisions or parts thereof in this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of this Ordinance as a whole or any other section or provision or part thereof.

Amended: February 11, 2004  
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