

Chapter 114
VEHICLES AND TRAFFIC
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[Articles I through IV were significantly changed, repealed and reenacted by HO-2011-01]

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[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville during codification 12-19-83 as HB No.14-83; see Ch. 1, General Provisions, Art. II. Amendments noted where applicable].

GENERAL REFERENCES

- Off-street parking - See Charter, Art. X.
- Police Department – Se5e Ch. 30.
- Parks and recreational facilities - See Ch. 84.

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Peace and good order - See Ch. 87.
Streets and sidewalks - See Ch. 105.
Abandoned and inoperable vehicles - See Ch. 113.

ARTICLE I

General Provisions

§ 114-1. Definitions and interpretation. [Amended on 3-27-11 by HO-2011-01]

A. Unless otherwise defined herein, words and phrases, when used in this chapter, shall have the meanings ascribed to them in the Maryland Vehicle Law (Titles 11 through 27 of the Transportation Article of the Annotated Code of Maryland), as now in force or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning.

B. The term “holidays,” as used in this Chapter, shall mean and include the following: New Year’s Day, Martin Luther King, Jr.’s birthday, Washington’s Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day or days celebrated as such.

C. In this Chapter, the singular shall include the plural; and the plural shall include the singular; the masculine shall include the feminine and the neuter.

§ 114-2. Adoption and amendment of regulations.

Regulations adopted pursuant to the provisions of this chapter may be amended or added to from time to time, as deemed necessary by the Mayor and Council, by ordinance, resolution or motion adopted in accordance with law.

§ 114-3. Enforcement. [Amended on 3-27-11 by HO-2011-01]

This chapter and the regulations adopted thereby may be enforced by any police officer of the State of Maryland or of any political subdivision thereof having jurisdiction as well as those police, code enforcement, and parking enforcement officers, or other persons designated by the City.

§ 114-4. Severability.

The provisions of this Chapter shall be severable, and, if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any the remaining provisions of this Chapter. It is hereby declared as a legislative intent that this Chapter would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein.

§ 114-5. Signs and traffic control devices. [Added on 3-27-11 by HO-2011-01]

A. Definitions. A traffic control device is:

(1) a sign or light, or device that conforms in size, color, shape and graphics to the most recent version, edition, amendment or replacement of the Federal Highway Administration Manual of Uniform Control Devices, the Maryland State Highway Administrative Manual of Uniform Traffic Control Devices for Streets and Highways, the State of Maryland Sign Book, or to signs in regular use by the City for traffic; and

(2) is placed on or near the streets, roads or highways or other public place including property owned or leased by the City; and

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(3) governs the stopping, parking or movement of vehicles over such public streets, roads, highways, rights-of-way or property.

B. It shall be unlawful to disregard or disobey or act in a manner contrary to the message of any traffic control device regulating speed, movement of vehicles, parking and stopping unless directed otherwise by police or public works personnel or their designees.

C. A traffic control device or sign is presumed to be duly authorized if it conforms to the definition above in this section.

D. The City Administrator, after consultation with the Police Department and the Department of Public Works, may authorize the placement or removal of traffic control devices and signs that are determined to be necessary for the safety of all traffic in the City.

E. All traffic control devices which meet the requirements cited in this section 114-5, paragraph 1(A) above and are in place within the City on March 27, 2011 are hereby authorized by the City.

F. Nothing in this chapter shall curtail the authority of the City Council over the placement or removal of approved traffic control devices in the City by motion, resolution or ordinance.

§ 114-6. School zones.

The following areas in the City and all roadways within a one half mile radius of the named schools or campuses are designated as school zones:

- A. The University of Maryland at College Park,
- B. Northwestern High School at 7000 Adelphi Road,
- C. Prince George's Community College at University Town Center at 6505 Belcrest Road,
- D. Rosa Parks Elementary School at 6111 Ager Road,
- E. Nicholas Orem Middle School at 6100 Editors Park Drive,
- F. Concordia Lutheran School at 3799 East West Highway,
- G. Concordia Lutheran School at 3705 Longfellow Street,
- H. Hyattsville Middle School at 6001 42nd Avenue,
- I. Dematha Catholic High School at 4313 Madison Avenue,
- J. St. Jeromes School at 5207 42nd Place,
- K. Hyattsville Elementary School at 5311 43rd Avenue.
- L. Any other areas as designated by a resolution of the City Council as a school zone pursuant to State law (currently §21-803.1 Transportation Article.)

ARTICLE II

Traffic Regulations

§ 114-7. Speed limits. [Added on 3-27-11 by HO-2011-01]

It shall be unlawful for any person to operate a motor vehicle in the City in violation of the speed limits posted on any traffic control device or sign.

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§ 114-8. Traffic calming devices. [Added 8-1-94 by HB No. 8-94, Amended 2-21-95 by HB No. 8-94, 2-21-95 by HB No. 01-95, Amended on 3-27-11 by HO-2011-01]

A. Definitions: As used in this Ordinance, all terms shall have the definitions and meanings provided in the Maryland Code Annotated, Transportation Article, unless otherwise indicated. The following terms shall have the meanings indicated:

(1) "Traffic calming device" is a physical device used to regulate, guide, slow, and/or control traffic, for the purpose of pedestrian and traffic safety. The term traffic calming device includes but is not limited to the following devices:

(a) Speed zones: an identifiable area of reduced speed, indicated by signage or otherwise.

(b) Speed humps: a raised or manually installed section of asphalt or other construction material constructed on a roadway, with a dip and crown shaped as viewed in cross section, on a base ordinarily twenty-two feet (22'), measured parallel to the curb of the roadway, and with a height not less than three (3) inches nor more than four (4) inches.

(c) Raised intersections: contrasting surfaces such as brick, cobblestones, concrete, or other construction material in place of street surfaces at the intersection of two streets.

(d) Traffic islands, circles and lateral shifts: physical barriers placed in the street to direct traffic in a specific direction including both temporary and permanent structures which do or do not contain landscaping.

(e) Rumble strips: physical devices attached to, or constructed in the road surface to provide contrast to the road surface in order to slow traffic.

(f) Chokers: a portion of the sidewalk extending out approximately six (6) to eight (8) feet into the street.

(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 a part of that street. Each street may consist of numerous unit blocks.

(3) "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 County Housing Code.

(4) "Eligible signature": the signature of an individual, over the age of eighteen (18), residing in a dwelling unit located on a street:

(A) upon which the installation of a traffic calming device is being considered, or

(B) within one (1) unit block of such streets upon where the installation of a traffic calming device is being considered for only a portion of such street , or

(C) that is only accessible over a street for which the installation of the traffic calming device is being considered and provides the only means of ingress and egress, or

(D) or in an area which the City Clerk pursuant to the discretion granted in subsection B (2) (b) determines should be surveyed.

Only one eligible signature per dwelling unit will be considered for any of the purposes set forth in this Ordinance.

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B. Request for traffic calming device installation:

Requests for the installation of a traffic calming device may be made by petition subject to the following conditions.

(1) Residents of a street may request the installation of a traffic calming device by submitting a petition to the City Administrator containing eligible signatures from at least sixty percent (60%) of dwelling units located on the street, stating that such individuals want a traffic calming device. Such petition need not conform to the requirements in the Charter for petitions.

(2) If the traffic calming device 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 individuals residing in dwelling units located on the unit block on which the traffic calming device will be installed and to individuals residing in dwelling units located within one (1) unit block of the block containing the requested installation site.

(a) If the street upon which the traffic calming device is to be installed provides the only means of ingress and/or egress for other streets, the petition containing at least sixty (60%) of eligible signatures must be circulated to the residents of such other streets.

(b) The City Clerk retains sole discretion to determine if residents of additional streets will be surveyed, based upon circumstances that could impact such residents.

(3) The City Clerk will validate petitions submitted to the City Administrator to determine that said petitions are in compliance with applicable provision of this Article. The City Clerk shall inform the City Council, petitioners, the City Administrator, Director of Public Works and the Police Chief, as to whether the petition complies with this Article. If the petition is in compliance, the department heads will jointly undertake to assess the location of the request and determine if a traffic calming device is in the interests of both best traffic engineering practice and public safety; and the Mayor who will schedule a public hearing in accordance with subsection C, below.

(4) The City Clerk shall develop and distribute a standardized “request for traffic calming device” petition form sufficient for use in accordance with this subsection.

C. Procedures for public hearings on traffic calming device installations:

(1) Conduct of Public Hearing: the Mayor shall schedule a public hearing after being notified by the City Clerk in accordance with subsection B. (3) that the petition is valid.

(a) Notice of the hearing will be given to all residents of the street upon which the proposed traffic calming device is to be installed; and

(b) If the traffic calming device is being requested for only a portion of the street, notice will be given to residents of dwelling units located on the unit block on which the traffic calming device will be installed and also to individuals residing in dwelling units located within one (1) unit block of the block containing the requested installation site; and

(c) If the traffic calming device is to be installed on a street which provides the only means of ingress and/or egress for other streets, the notice will be given to residents of such other streets, by the following means:

(i) Publication in the Hyattsville Reporter or in a paper having circulation in the City.

(ii) Advertisement on the City of Hyattsville’s cable television channel.

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(2) Factors considered: The following factors shall be taken into consideration as guidance in determining whether to install a traffic calming device. The factors listed below shall not be considered exclusive.

(a) Whether the street where installation of a traffic calming device is proposed has a speeding problem, which has been identified through a combination of residents' complaints, police radar surveillance and ticketing practices, accident statistics, electronic traffic counts and/or a history of previous efforts to control speeding which cannot be alleviated in any way other than a traffic calming device. The Department of Public Works shall provide a report of the electronic traffic count data of the proposed street to determine the traffic and speed issues.

(b) Whether the street carries a sufficient volume of non-residential traffic in addition to the general residential traffic, so that the requested traffic calming device is appropriate.

(c) The impact of a traffic calming device on public transportation, police and fire apparatus.

(d) The impact of a traffic calming device on adjacent neighborhoods.

(3) Decision: The Mayor and City Council will announce their decision to approve, approve with modifications, or deny the requested traffic calming device within fifteen (15) days of the close of the hearing unless, due to extraordinary circumstances, the time limit is extended by majority vote of the City Council.

(4) Notification of decision: The petitioners will be notified of the decision of the Mayor and City Council by the City Clerk and the decision will be published in the Hyattsville City Council Meeting Minutes.

D. Procedures for removing a traffic calming device installation:

(1) A request for removal of a traffic calming device, installed pursuant to subsection C above, may be by petition containing eligible signatures from sixty percent (60%) of the dwelling units located on the street upon which the traffic calming device has been installed or

(2) If the traffic calming device has been installed for only a portion of the street, the petition requesting removal may be signed by eligible signatures from sixty percent (60%) of the dwelling units located on the unit block on which the traffic calming device was installed and dwelling units located within one (1) unit block of the requested removal site; or

(3) If the traffic calming device has been installed on a street that provides the only means of ingress and/or egress for other streets, the petition requesting removal may be signed by eligible signatures from sixty percent (60%) of the dwelling units located on the street and such other streets.

(4) No petition will be considered until six (6) months have elapsed since the initial installation of the traffic calming device.

E. Miscellaneous:

(1) Placement of traffic calming device near schools, parks and playgrounds: the Mayor and Council may initiate the installation of traffic calming device on streets adjacent to neighborhood parks, playgrounds, and schools or on commercial areas.

(2) Authority of City over traffic calming devices.

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(a) Nothing in these guidelines shall be construed as preempting the City, at its initiative, from installing, altering, maintaining or removing a traffic calming device installation. The City Administrator will notify, pursuant to the notice provisions stated in subsection c. above, the appropriate affected residents of the proposed changes regarding a traffic calming device.

F. Installation and maintenance:

(1) In the regulation and supervision of traffic, the Public Works Director is authorized to construct, install, place, erect, and maintain upon the public highways of the City those traffic calming device installations and proper signage as the Mayor and Council have or may direct at the locations designated by the Mayor and Council.

(2) All speed humps installed pursuant with this Ordinance shall ordinarily:

(A) Consist of one (1) or more speed humps spaced every two hundred (200) to five hundred (500) feet along public street or alley;

(B) Not be placed within two hundred (200) feet of a stop sign unless required by special circumstances as determined by the Director of Public Works; and

(C) Be painted with distinctive markings which should include reflective paint or tape.

(3) Warning signs marked “speed humps” shall be placed on the right hand side of the street at the approach to each speed hump.

§ 114-9. Speed monitoring systems. [Rewritten on 3-27-11 by HO-2011-01, Amended 3-18-13 by HO-39-03-13, Amended 8-4-14 by HO 2014-06]

A. A “speed monitoring system,” as defined in Maryland law, means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at least twelve (12) miles per hour above the posted speed limit.

B. No more than ten (10) school zone speed monitoring systems as outlined in §21-809 of the Transportation Article of the Annotated Code of Maryland are hereby authorized at locations, determined by the Chief of Police or his/her designee after consultation with and agreement of the City Administrator, in school zones within the City, as established under §21-803.1 of the Transportation Article of the Annotated Code of Maryland.

C. Before activating a speed monitoring system in any school zone at any location where such a system had not been previously moved or placed, the City shall:

1. Publish notice of the location(s) of the speed monitoring system(s) on the City website and in a newspaper of general circulation within the City; and

2. Ensure that each sign that designates a school zone has in close proximity to it a sign that indicates that speed monitoring systems are in use in the school zone and that the signage is in accordance with the manual for and that the specifications for a uniform system of traffic control devices adopted by the State Highway Administration.

D. The City shall name a City employee as Program Administrator to oversee the contract with the speed monitoring system contractor and shall also name another City employee who has not been involved in monitoring system citations, to investigate and respond to questions or concerns about the City’s speed monitoring systems as outlined in §21-809(b)(1)(ix) of the Transportation Article.

E. Unless otherwise provided by law, the school zone speed monitoring system may operate

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Monday through Friday between 6:00 a.m. and 8:00 p.m.

F. For a period of at least fifteen (15) days after any speed monitoring system and the signage as required by §21-809 of the Transportation Article are in place, a violation recorded by such speed monitoring system in the City shall be enforced only by the issuance of a warning.

G. The school zone speed monitoring system in the City shall be conducted in compliance with all applicable provisions of the Maryland Vehicle Law.

H. City staff is hereby authorized to take those actions necessary to obtain any required permission from the state of Maryland or other government with jurisdiction to operate a speed monitoring system within the school zones.

[§ 114-10 to § 114-14 Deleted 3-12-11 by HO-2011-01]

ARTICLE III

Stopping, Standing and Parking

§ 114-15. Emergency regulations. [Amended on 3-27-11 by HO-2011-01]

The City Administrator, Chief of Police, and Director of Public Works may, whenever emergencies require, order that parking of vehicles be prohibited on portions of streets and alleys in the city which, during such emergencies, may be subject to congestion of traffic, provided that signs stating the areas in which parking is so prohibited and the length of time of such prohibition shall be prominently displayed in such areas.

§ 114-15.1. Manner of parking generally. [Added 1-17-84 by HB No. 2-84]

A. All vehicles shall be parked with the right wheel to the curb, except on streets designated for one-way traffic, in which event vehicles may be parked with the left wheel to the curb headed in the direction of traffic, unless otherwise prohibited and except as otherwise provided.

B. No vehicle shall be parked or left standing in the streets unattended when not in motion, except in case of an emergency, at a greater distance than twelve (12) inches from the curb on any street in the City.

§ 114-15.2. Identification of parking restrictions. [Added 10-7-85 by HB No. 4-85]

A. The color yellow or white traffic paint or yellow or white pavement marking tape is hereby designated and shall identify official parking restrictions when applied on or in safety zones, traffic lanes, curb gutters, crosswalks, fire hydrants, intersection curb lines, stop signs and the like uses, when painted on or placed on or in the streets and roads and any other place applicable hereto, within the City of Hyattsville.

B. It shall be unlawful for a person to park a vehicle unless a bona fide emergency exists which disables the vehicle, in any restricted area or place identified by the official traffic yellow or white paint or yellow or white pavement marking tape, whether or not supplemented by other official traffic signs.

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§ 114-16. General restrictions. [Amended on 3-27-11 by HO-2011-01 and 12-2-13 by HO-2013-07]

In addition to the prohibitions and regulations contained in §§21-1003 and 21-1004 of the Transportation Article of the Annotated Code of Maryland, it shall be unlawful for any person to park or leave standing any vehicle at any time on any street or highway in the city if such vehicle or any part thereof is within any of the following locations:

- A. Within fifteen (15) feet in either direction from a bus stop sign.
- B. For the duration of an emergency, within twenty-five (25) feet of any sign or device posted by or with permission of the City Administrator, the Public Works Department or Police Department indicating that parking is prohibited because of an emergency, unless such sign or device sets forth the area in which parking is prohibited because of an emergency, then, in such cases, within the designated area.
- C. At a location contrary to directions given by any member of the Police Department or Fire Department to keep clear fire lines or police lines or to facilitate the flow of traffic at or near the scene of a fire, accident or other emergency, provided that the prohibition of parking at such a location is made known to the person so parking.
- D. On any sidewalk or on any property adjacent to the roadway and in the public right of way.
- E. In front of any barricade or sign that has been placed for the purpose of closing a street.
- F. Within twenty-five (25) feet of any temporary traffic calming device. [Added 1-17-84 by HB No. 3-84]
- G. Alongside or opposite any street excavation or obstruction when such parking will interfere with traffic. [Added 1-17-84 by HB No. 3-84]
- H. At a location which will reduce the width of the open roadway in either direction to less than ten (10) feet along a street or will obstruct a clear passageway along the same for fire apparatus or any other vehicle. [Added 1-17-84 by HB No. 3-84]
- I. In any alley unless parking in such alley is specifically allowed.
- J. At a location which obstructs the entrance to any private driveway or the entrance to any buildings or garage or prevents passage over and upon any private driveway or private vehicle entrance connecting private property with an abutting street. [Added 1-17-84 by HB No. 3-84]
- K. Upon any private driveway or upon any private property, unless with permission of the person in control thereof. [Added 1-17-84 by HB No. 3-84]
- L. Within fifteen (15) feet of a fire hydrant. [Added 1-17-84 by HB No. 3-84]
- M. Within a street or alley intersection. [Added 1-17-84 by HB No. 3-84]
- N. Within any crosswalk. [Added 1-17-84 by HB No. 3-84]
- O. Within thirty (30) feet of the curb line of an intersecting street. [Added 1-17-84 by HB No. 3-84]
- P. On any bridge, viaduct or approach thereto. [Added 1-17-84 by HB No. 3-84]

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Q. Within twenty-five (25) feet of, in the direction of approach to, any stop sign or official marker designating an arterial highway, unless otherwise marked or posted. [Added 1-17-84 by HB No. 3-84]

§ 114-17. Parking of vehicles within marked spaces. [Amended on 3-27-11 by HO-2011-01]

A. Wherever a space shall be marked on any street or public right of way for the parking of an individual vehicle, every vehicle there parked shall be parked within the lines bounding such space.

B. On all other property owned or leased by the city, parking shall be allowed only in areas designated for parking, and only within one space marked within the lines bounding such parking space.

§ 114-18. Time limit for leaving vehicles unattended.

No automobile or vehicle of any description shall be left unattended upon any street or public space in the city for a continuous period longer than forty-eight (48) hours, unless the City grants an exemption pursuant to § 114-32 H of this Chapter.

§ 114-19. Observance of parking signs and the authority to install such devices. [Amended on 3-27-11 by HO-2011-01]

A. All traffic control devices placed on the streets, roads or highways or other public places (including property owned or leased by the city) to govern the stopping, or parking of vehicles over such streets, roads, highways or property (parking signs) shall be strictly observed by any and all persons. It shall be unlawful to disregard such traffic control devices or signs unless directed otherwise by a police officer on the scene.

B. A traffic control device governing parking is presumed to be duly authorized if it has been placed on or near a roadway and conforms in size, color, shape and graphics to the Federal Highway Administration Manual of Uniform Traffic Control Devices, the Maryland State Highway Administrative Manual on Uniform Traffic Control Devices for Streets and Highways, the State of Maryland Sign Book or to signs in regular use by the City which conform to the State of Maryland regulations.

C. Unless other procedures are required, the City Administrator, after consultation with the Police Department and the Public Works Department, may authorize the placement or removal of parking signs that he or she deems necessary for the safety of the public.

D. All parking signs in place within the City which conform to State of Maryland regulations on March 27, 2011 are hereby authorized by the City.

E. Nothing in this chapter shall curtail the authority of the City Council over the placement or removal of approved parking signs in the City by motion, resolution or ordinance.

§ 114-21 Notice, penalty and forfeiture. [Added 1-17-84 by HB No. 4-84; Amended 12-17-84 by HB No. 10-84; Amended 6-1-98 by HR 98-02, Amended 10-4-04 by Ord. 2004-14, Amended on 3-27-11 by HO-2011-01]

A. Any vehicle in violation of the provisions of Article III shall have attached to it a notice, upon such form as may be approved by the city, to the owner of such vehicle of the violation and penalties therefor.

B. The fine for a violation of 114-16(K) shall be one hundred dollars (\$100.00).

[§ 114-22 to § 114-26 Deleted 3-27-11 by HO-2011-01]

ARTICLE IV

Residential Permit Parking Zones

[Amended 9-20-04 by Ord. 2004-13]

§ 114-27. Purpose and Legislative Findings.

A. The City Council of the City of Hyattsville is enacting this Article IV in order to:

- (1) Reduce hazardous traffic conditions resulting from nonresidents and residents competing with residents to park their vehicles in certain residential districts;
- (2) Protect the residents of those residential districts from unreasonable burdens in gaining access to their residences;
- (3) Preserve the character of those districts as residential districts;
- (4) Encourage the use of public transportation;
- (5) Promote efficiency in maintaining streets in those residential districts in a clean and safe condition;
- (6) Preserve the value of the property in those residential districts;
- (7) Promote traffic safety and the safety of children and other pedestrians in those residential districts;
- (8) Prevent dangers arising from the blocking of fire lanes, hydrants and other facilities that emergency vehicles require, both in reaching victims and in transporting them to hospitals;
- (9) Facilitate the movement of traffic in the event of accidents and other disasters; and
- (10) To promote the peace, comfort, convenience, and welfare of all inhabitants of the City.

B. General Findings. The City Council finds that the continued vitality of the City depends on the preservation of safe, healthy, and attractive neighborhoods and other residential areas. The Council further finds that one factor that threatens the safety, health and attractiveness of the City's neighborhoods is the availability of parking in certain neighborhoods. The number of motor vehicles attempting to park in those areas often exceeds the number of available parking spaces. A preferential parking system for residents in designated neighborhoods will help to reduce the burden of those neighborhoods and, thus, promote the general welfare of the City.

C. Specific Findings. The Council makes the following specific legislative findings in support of preferential residential parking to illustrate the compelling need for the enactment of this Article IV. The Council intends the findings as illustrations only and not the only available factual examples supporting adoption of the Article IV:

- (1) The maintenance of the attractiveness and livability of the City's neighborhoods and other residential areas will enhance the safety, health and welfare of the City's residents;
- (2) On a daily basis a large number of City residents who own motor vehicles must park those vehicles in or near their residences;

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- (3) Certain neighborhoods and other areas of the City do not have sufficient on or off-street parking to accommodate the convenient parking of residents' motor vehicles;
- (4) The influx of motor vehicles from nonresidents that compete for the limited available parking in those areas further burdens the residents of those areas;
- (5) The City has certain parking "attractors," including parks, etc. that further aggravate the residents' parking problems;
- (6) Unnecessary vehicle miles, air and noise pollution, and the inconvenience of not finding parking caused by the conditions above create unacceptable hardships for the neighborhoods' residents;
- (7) If the City allows those adverse conditions to continue unchecked, those adverse conditions will contribute to the decline of the living conditions in the neighborhoods and the attractiveness of residing within the City, resulting in injury to the general public welfare; and
- (8) A system of preferential residential parking as enacted by this Article IV will serve to promote the health, safety, and welfare of all of the City's residents by reducing unnecessary motor vehicle travel and air and noise pollution, improving the attractiveness of living in the City's neighborhoods, and encouraging the use of public mass transit facilities available now and in the future. The Article IV also will serve the public welfare by ensuring a more stable and valuable property tax base, in order to generate the revenues necessary to provide essential public services.

§ 114-28. Definitions. [Amended on 3-27-11 by HO-2011-01]

For the purposes of this Article IV, the following words shall have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning:

- A. **City Administrator** means the City Administrator or his/her designee.
- B. **Commuter Vehicle** means a motor vehicle, other than a resident vehicle as defined below, parked in a residential area in which it is not registered.
- C. **Curbside Parking Space** means twenty (20) linear feet of curb, exclusive of those portions of the curb where parking, apart from the provisions of this Article IV, is not presently permitted.
- D. **Motor Vehicle** means an automobile, truck, recreation vehicle, motorcycle, or other motor-driven or self-propelled form of transportation, except for vehicles exceeding a certain size, weight, and/or carrying capacity that may be prohibited from parking on any public street.
- E. **Resident** means an adult who lives or resides in a structure approved for residential occupancy and can demonstrate exclusive right to occupancy of this residence.
- F. **Resident Vehicle** means a motor vehicle parked in a residential area in which it is registered and is validly registered with the State of Maryland Department of Motor Vehicles.
- G. **Residential District** means a contiguous or nearly contiguous area open to the public containing streets and highways and parking spaces for the public, all primarily abutted by residential property or residential and non-commercial property (such as schools, parks, churches, hospitals and nursing homes).
- H. **Residence** means a dwelling unit.

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I. **Residential Parking Permit Area** means a residential district where curbside parking on public streets and highways is limited to not more than two (2) consecutive hours per day, unless the vehicle properly displays a parking permit authorized by this Article IV.

J. **Vehicle** means any mobile unit whether or not it is self-propelled and designed to travel on the public roads.

§ 114-29. Designation/Withdrawal of Designation of Residential Parking Permit Areas. [Amended 4-21-14 by HO 2014-04]

A. Notice & Hearing.

In order for the City Council to determine whether a residential district, or portion thereof, shall be designated, or shall continue to be designated, as a residential parking permit area, the City Administrator shall conduct, upon the City Administrator's initiative or upon a petition signed by a majority of the residents in the district or portion thereof, a public hearing prior to such designation and prior to the withdrawal of such designation. A notification shall be prominently posted or shall be mailed to every residence in the proposed or existing residential parking permit area. During such public hearing any interested person shall be entitled to appear, to be heard, and to submit a written statement for the record.

B. Survey.

To enable the City Council to determine whether a residential district, or portion thereof, shall be designated, or shall continue to be designated, as a residential parking permit area, the City Administrator shall conduct a block-by-block parking survey of the proposed, or existing, residential parking permit area.

C. Criteria.

In determining whether an area may be a residential parking permit area, whether conditions are to be imposed, the City Administrator shall consider factors including but not limited to the following:

- (1) The extent that legal on-street parking spaces are occupied by vehicles during the period proposed for parking restrictions;
- (2) The extent that vehicles parking in the area during the period proposed for parking restrictions are commuter vehicles;
- (3) The extent that residents cannot obtain adequate curbside parking adjacent to or near their residences because of widespread use of available curbside parking spaces by others;
- (4) The effect on the safety of the residents from intensive vehicle parking;
- (5) The extent of air and noise pollution, hazardous conditions, and deterioration of the residential environment as a result of traffic congestion and insufficient parking in the area;
- (6) The extent that the designation of a residential parking permit area would be likely to reduce traffic congestion and any other problems referred to above;
- (7) The extent and need for parking by the general public in the residential district;
- (8) The desire of the residents in the proposed, or existing, residential parking permit area for the institution of a residential parking permit system and the willingness of those residents to bear the costs incidental to the issuance of parking permits authorized by this Article IV; and

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(9) The extent that no reasonable alternative is feasible or practicable that would reduce parking problems and any other problems referred to above without unduly impacting surrounding residential areas.

D. Designation/Withdrawal Process.

(1) Within fifteen (15) days following the close of the public hearing, the City Administrator shall recommend by written report to the City Council, based on the record of the public hearing and the results of the survey, whether to designate the residential district or portion thereof under consideration as a residential parking permit area or whether to withdraw the designation of an existing residential parking permit area. The report also shall demonstrate that the City Administrator, in making the recommendation, has taken into account the criteria enumerated above. The report shall recommend the number of permits to be issued to each address in the district.

(2) Within thirty (30) days following its receipt of the report, unless the City Council shall vote otherwise, the City Administrator's recommendations shall be effective as to the residential parking permit area.

(3) Nothing in this section shall limit the authority of the City Council over residential parking permit areas.

(4) The City Council or the City Administrator may limit the number of permits issued to all the addresses in a particular residential parking permit area to accomplish the purpose and intent of this Article.

E. Posting of Residential Parking Permit Area.

(1) Immediately following the effective date of the City's designation or withdrawal of designations, appropriate parking signs shall be erected or moved in the designated area.

(2) The signs shall indicate prominently that curbside parking on public streets in the designated area is prohibited unless the vehicle properly displays a parking permit authorized by this Article IV.

F. Notice to Residents of Designation of Residential Parking Permit Area.

Following the effective date of the designation, the City Administrator shall provide to every residence within the designated residential parking permit area a Notice of Designation that shall inform the residents in the designated area of:

(1) The existence, exact location, and numerical designation of the residential parking permit area;

(2) The parking restrictions applicable to all vehicles in curbside parking spaces along public streets and highways in the designated area that do not properly display a parking permit authorized by this Article IV; and

(3) The procedures to obtain a residential or temporary parking permit.

G. Withdrawal of Designation.

(1) Following City action to withdraw the designation of an existing residential parking permit area, the City Administrator shall provide to every residence within the existing residential parking permit area a notice of the Council's withdrawal of the designation. Said notice shall specify the effective date of the withdrawal of the designation.

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(2) The effective date of the withdrawal of the designation of an existing residential parking permit area shall ordinarily be thirty (30) days following the date of the City's action to withdraw the designation.

H. Temporary Designation/Withdrawal of Designation.

Notwithstanding any other provision of this Article IV, the City Administrator may either establish or temporarily withdraw the designation of all or part of a residential parking permit area or areas on a trial basis for a period not to exceed one hundred twenty (120) days.

§ 114-30. Issuance & Transfer of Residential Parking Permits.

A. Issuance.

(1) An Application for Residential Parking Permit. The applicant is to provide at a minimum the following information for each motor vehicle to receive a residential parking permit:

- (a) The name and residential address of the owner of the vehicle;
- (b) The name, residential address, and driver's license number of the principal operator of the vehicle;
- (c) The make, model, license plate number and vehicle identification number of the vehicle; and
- (d) The name, address and signature of the applicant for the residential parking permit.

(2) The applicant shall demonstrate proof of residency in the particular zone and verification of the resident being the principal driver of the vehicle in a manner determined by the City Administrator, which may include but is not limited to utility bills, lease, driver's license, title, etc.

(3) Subject to the limitations outlined in this Article IV, upon the applicant's payment of a ten dollar (\$10.00) residential parking permit fee, submission of a completed and validated residential parking permit application, and fulfillment of all applicable provisions of this Article IV controlling issuance, or transfer of residential parking permits, the applicant may receive one (1) residential parking permit for the motor vehicle described in the application. The residential parking permit shall be securely affixed to the inside of the vehicle at a location directed by the City Administrator and shall display the permit number and numerical designation of the residential parking permit area.

B. Other Requirement.

(1) No residential parking permit shall be issued to a vehicle whose principal operator does not reside within the designated residential parking permit area.

(2) The applicant for, and holder of, the residential parking permit shall be the owner or principal operator of the vehicle receiving the parking permit.

(3) A motor vehicle shall be issued a residential parking permit only if it displays valid license plates that are allowed to those residing in Maryland under Maryland law.

(4) No residential parking permit shall be issued for any motor vehicle for which a citation issued by the City remains unpaid. Upon notice to the resident of an unpaid citation that is legally due, the City may revoke the permit.

C. Transfer.

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Upon the holder's payment of a ten dollar (\$10.00) residential parking permit transfer fee, submission of complete and validated residential parking permit application, fulfillment of all applicable provisions of this Article IV controlling issuance, renewal, or transfer of residential parking permits, and surrender of the existing residential parking permit, the holder shall receive a new residential parking permit to be transferred to another qualifying vehicle.

D. Replacement.

Upon the holder's payment of a ten dollar (\$10.00) residential parking permit replacement fee, verification of the holder's prior submission of a completed and validated residential parking permit application, fulfillment of all applicable provisions of this Article IV controlling issuance, renewal, or transfer of residential parking permits, and affirmation that the holder's permit was lost, stolen, or destroyed, the holder shall receive a new residential parking permit. The lost, stolen or destroyed permit shall be considered void, and any use of a voided permit is prohibited.

§ 114-31. Temporary Permits. [Amended on 3-27-11 by HO-2011-01]

A. Issuance of Temporary Permits.

Upon application of any resident of a residential parking permit area and upon good cause being shown, the City Administrator may issue a temporary parking permit to the resident for a vehicle which otherwise may legally park on the applicable street, with such temporary parking permit limited to that particular parking permit area and subject to conditions and limits reasonably imposed by the City Administrator for a fee of one dollar (\$1.00) per permit. Upon application and showing of good cause, the City Administrator may also issue to a resident an unlimited number of temporary permits for a period of no more than twenty four (24) hours for a fee of one dollar (\$1.00) per permit. Such unlimited twenty four (24) hour permits may be issued no more than once in any six (6) month period for any address. For the purposes of this Article IV, the resident shall be the holder of and responsible for the use and misuse of temporary parking permits issued to the resident.

B. Display of Visitor Parking Permits.

All temporary parking permits shall be displayed on or about the front windshield of the vehicle so as to be easily visible from outside the vehicle. Such parking permits shall contain the permit number and the numerical designation of the residential parking permit area.

§ 114-32. Use of Parking Permits & Exemptions. [Amended on 3-27-11 by HO-2011-01]

A. A parking permit shall not guarantee or reserve a parking space within a designated residential parking permit area. A parking permit shall not authorize the standing or parking of any vehicle in such places and during such times when the stopping, standing or parking of vehicles is prohibited or set aside for specified types of vehicles, and shall not excuse the observance of any traffic regulation.

B. Whenever the holder of a parking permit, or the vehicle for which the parking permit was issued, no longer fulfills one or more of the applicable provisions of this Article IV controlling issuance, renewal or transfer of parking permits, the permit shall be deemed to have expired and the holder shall notify the City Administrator, who may then direct the holder to surrender the parking permit.

C. Until its expiration, surrender or revocation, a parking permit shall remain valid for such time as the holder continues to reside within the designated residential parking permit area.

D. A parking permit shall be valid only in the residential parking permit area for which it is issued.

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E. It shall be a violation of this Article IV for the holder of a parking permit to fail to surrender the permit when directed to do so.

F. It shall be a violation of this Article IV for any person to represent in any fashion that a vehicle is entitled to a parking permit authorized by this Article IV when it is not so entitled. The display of a parking permit on a vehicle not entitled to such a parking permit shall constitute such a representation.

G. It shall be a violation of this Article IV for any person to duplicate, or attempt to duplicate, by any means, a parking permit authorized by this Article IV. It also shall be a violation of this Article IV for any person to display on any vehicle such a duplicate parking permit.

H. Exemptions.

(1) Whenever metered parking is in effect in any portion of a residential parking permit area, the parking spaces controlled by meters shall be excepted from the provisions of this Article IV so long as the control by meters continues.

(2) The provision of this Article IV shall not supersede the provisions of the City Code and state laws relating to parking by persons with disabilities.

(3) The following vehicles are specifically exempted from the parking restrictions imposed by this Article IV:

(a) A motor vehicle owned by or operated under contract to a utility when used in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work in the designated residential parking permit area.

(b) A motor vehicle identified as owned by or operated under contract to a federal, state, or local governmental agency and being used in the course of official government business.

(c) An authorized emergency vehicle as defined by state law.

(4) The City Administrator may grant an exemption to the requirements of this Article IV and to Section 114-18 of Article III to any person for a vehicle which may legally park in the applicable area upon demonstration of unusual hardship or exigent circumstances provided that the exemption will expire at the end of each calendar year unless the person demonstrates that the unusual hardship or unusual or exigent circumstances continue.

§ 114-33. Regulations & Enforcement.

The City Administrator is authorized to establish all written regulations and procedure necessary to implement and enforce the provisions of this Article IV and collect all fees and fines. The regulations shall include a reasonable period prior to enforcement of the parking restrictions to allow for short visits or stops in such residential zones.

§ 114-34. Restriction & Penalty. [amended 4-21-14 by HO 2014-04]

A. It shall be unlawful for any person to park or leave standing any vehicle for any length of time designated on the posted signs in a designated residential permit parking zone, without a permit for such zone. Unless otherwise provided, the penalty for each parking violation of this Article IV shall be a fine of up to one hundred fifty dollars (\$150.00).

B. It shall be a municipal infraction for any person to violate any provisions of this Article IV other than the parking provisions as outlined immediately above. The penalty shall be one hundred

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dollars (\$100.00). The penalty for any repeat violation within one (1) year shall be up to two hundred dollars (\$200.00).

C. The falsification of any application for a permit, guest permit or temporary permit, the use of any permit, guest permit or the allowance of such unauthorized use by a permittee shall all constitute violations of this Article IV, punishable as a municipal infraction.

D. The misuse of any permit, guest permit or temporary permit shall result in a parking citation of up to one hundred dollars (\$100.00). Misuse shall include the failure of the permittees to properly fill out or date any such permit, guest permit or temporary permit.

§ 114-35. Revocation of Permit, Severability.

A. In addition to the penalties provided above for violation of this Article IV the City Administrator may revoke the residential parking permit of any person found to be in violation of this Article IV, and, upon written notification thereof, the person shall surrender such permit to the City Administrator. Failure to surrender a revoked residential parking permit when requested to do so shall constitute a separate municipal infraction.

B. Nothing in this Article IV shall be construed as authorizing a permittee to violate any traffic regulation, emergency or otherwise, duly promulgated by the City.

C. Severability.

Severability is intended throughout and within the provisions of the Article IV. If any section, subsection, sentence, clause, phrase or portion of this Article IV is held to be invalid, or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Article IV.

D. The parking districts in existence on September 20, 2004 shall remain in effect until they are modified or withdrawn pursuant to this Article.

ARTICLE V

Trucks and Commercial Vehicles

§ 114-36. Operation of heavy vehicles upon certain streets restricted. [Amended 10-6-14 by HO 2014-07]

It shall be unlawful for any person to operate any motor vehicle having a gross vehicle weight rating (as specified in the Transportation Article of the Maryland Code currently at §6-803) in excess of ten thousand (10,000) pounds except for vehicles for public mass transit, upon any of the City maintained streets and alleys or parts thereof; provided, however, that nothing herein shall prohibit the operation of any such vehicle upon any street or portion thereof where such operation thereon shall be necessary in order to pick up or deliver any goods, wares, merchandise, services or material from or to any premises located upon any such City street or portion thereof, but then only be entering such street or part thereof at the intersection nearest the destination and proceeding thereon no farther than the nearest intersection thereafter.

§ 114-37. Reserved.

§ 114-38. Definitions. [Amended 10-6-14 by HO 2014-07]

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A. As used in Article V, the following terms shall mean

(1) "Commercial vehicle" any motor vehicle, trailer or semi-trailer, stake platform truck, crane, tow truck or vehicle with dual rear wheels which are designed to be used for carrying freight or merchandise or other vehicles specifically designed for commercial purposes, such as utility service vehicles;

(2) Camping trailer: a vehicle sold to the consumer for recreational, travel or vacation purposes, which is self-propelled or capable of being towed and which provides facilities for temporary camping or sleeping. "Camping trailer" includes a unit designed to be carried by an open pickup truck. The term "camping trailer" also includes "travel trailer," "camper," "recreational vehicle," "motor home," "truck camper" and similar vehicles. A camping trailer is not a "commercial vehicle."

B. Unless they meet the criteria in (a) immediately above, the following vehicles are not commercial vehicles:

(1) Panel-body trucks, light-weight pick-up trucks, vans, commercially described as one-half-ton and three-fourths-ton capacity.

§ 114-39. Parking restrictions for vehicles on public rights-of-way. [Amended 12-17-84 by HB No. 10-84, and 1-1-91 by HB No. 8-90, amended 6-1-98 by HB 98-02, amended 6-1-98 by HR 98-02, amended 10-4-04 by Ord. 2004-14, Amended 10-6-14 by HO 2014-07]

A. No person shall park on any street or highway adjacent to any area zoned or used for residential purposes in the City any vehicle which including all protrusions, attachments and items loaded in the vehicle, is greater than eighty inches (80") in width, two hundred forty inches (240") in length or one hundred twenty inches (120") in height. This section shall not apply to vehicles in the process of making deliveries, or providing maintenance or repair calls.

B. Any vehicle which is parked in violation of this section shall be subject to being towed from such highway or street and impounded after written notice stating that the vehicle violates the City Code and the vehicle must be removed within twenty-four (24) hours to avoid impoundment. The towing and storage charges shall be a lien against the vehicle and shall be paid before the vehicle may be released from impoundment.

§ 114-40. Parking restrictions for commercial vehicles on private property. [Amended 10-6-14 by HO 2014-07]

A. Without a permit granted pursuant to §114-42 below, it shall be unlawful to park or leave standing any commercial vehicle, as defined in this Article V, upon any private property used for residential purposes, except as follows:

(1) One (1) commercial vehicle if it is not a tow truck or if it does not exceed the manufacturer's gross vehicle weight specification of seventeen thousand (17,000) pounds, and

(a) is parked in a wholly enclosed parking garage, or

(b) is parked on a side or rear yard as defined in §68-7 of this Code, and the side or rear yard does not border the street; or

(2) One (1) commercial vehicle per residence which may be parked in a front yard so long as the vehicle:

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- (a) contains no visible advertising other than a firm name or similar designation in lettering not exceeding four (4) inches in height;
- (b) has less than three hundred (300) cubic feet of load;
- (c) is not a stake platform truck, dump truck, crane or tow truck or a vehicle with dual rear wheels; and
- (d) is parked on a legally conforming prepared surface.

B. In no case shall this section permit the parking or storage of commercial vehicles that are not properly registered and operational.

C. Nothing in this Section shall prohibit the temporary parking of a commercial vehicle while loading or unloading in the vehicle or while the vehicle is providing maintenance or service for a resident of the premises.

D. Only one camping trailer may be parked on any residential property.

§ 114-41. Reserved.

§ 114-42. Petitions and Permits. [Amended 10-6-14 by HO 2014-07]

A. Any person disagreeing with the City's position regarding a vehicle parking on a street or on private property under Article V may, within five (5) days of receiving a warning or notice from the City, petition in writing to the City Administrator for an informal hearing to demonstrate his or her position. The City Administrator may delegate such hearing to the appropriate department, and a written opinion to the Petitioners shall be completed as quickly as reasonably possible after the hearing.

B. The City Administrator may grant either a temporary permit for a vehicle not meeting the requirements of this Article or one renewable permit, for vehicles prohibited by §114-40, but only after the City Administrator determines that the following criteria are met:

- (1) the applicant is either the owner of the property or the resident/tenant of the property;
- (2) the vehicle does not disrupt visibility or traffic flow;
- (3) the vehicle does not present a hazard to the public or have an adverse effect on adjacent properties;
- (4) the applicant demonstrates a hardship if the permit is denied;
- (5) the granting of the permit does not violate any applicable City, County or State law; and
- (6) for a renewable permit the adjacent neighbors have been notified prior to the hearing and have been offered an opportunity to be heard.

C. Any temporary permit issued under this subsection shall expire in no more than fourteen (14) days from the date of issuance and shall not be assignable or transferrable by the permittee, and shall cost no more than fifty dollars (\$50.00). Unless the applicant can show extraordinary circumstances, no more than three (3) temporary permits may be issued in any calendar year.

D. Any renewable permit shall have an expiration date which shall be no more than two (2) years from the date of issue. Each renewable permit shall automatically expire when the applicant no

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longer is a resident or tenant of the property or no longer owns/uses the vehicle. Renewable permits are not assignable or transferrable by the permittee. The renewable permit fee shall be set by the head of code compliance and shall be no more than one hundred dollars (\$100.00).

§ 114-43. Penalties. [Added 10-4-04 by Ord. 2004-14]

A. The provisions of 114-73 and 114-74 shall apply to all violations of this Article V except as noted below.

B. A violation of §114-40 shall be a municipal infraction enforceable by Code compliance or the police, with the penalty being one hundred dollars (\$100.00) for a first offense and two hundred dollars (\$200.00) for each subsequent offense. Each day that a violation continues shall be a separate offense.

ARTICLE VI

Metered Parking

§ 114-44. Definitions. [Amended 3-5-14 by HO 2014-02]

For the purposes of this Article, the following words and terms shall have the meaning respectively ascribed to them by this section:

PARKING METER - Any device or meter, not inconsistent with this Article, placed or erected for the regulation of parking by the City measuring the time that a vehicle may legally park in a metered parking space.

METERED PARKING SPACE - any space within a parking meter zone in which parking is controlled or regulated by a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked upon the curb or the surface of the street or parking lot.

PARKING METER ZONE - Any street or highway or portion thereof and/or any parking lot or portion thereof or other designated location set aside under provisions of this Article for parking according to times and rates measured by a parking meter or parking meters.

§ 114-45. Designation of parking meter zones. [Amended 3-5-14 by HO 2014-02]

A. On-street parking meter zones. The City Council may by motion, resolution or ordinance designate any streets or parts of streets as on-street parking meter zones at a public meeting on the matter.

B. Off-street parking meter zones. The municipal parking lots or other properties owned or leased by the city are hereby established as parking meter zones.

C. All parking meters are presumed to be duly authorized by the City if they have been placed on or near a roadway or City property.

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D. All parking meter zones in existence at the time of passage of this ordinance are hereby reaffirmed as parking meter zones.

E. The Council shall establish, from time to time, by motion, resolution or ordinance the time periods when a payment will be required at a parking meter and the amount of such payment in a parking meter zone. Times and amounts in one parking meter zone or lot may reasonably vary from the times and amounts in other parking meter zones or lots in the City.

§ 114-46. Use of parking meters. [Amended 3-5-14 by HO 2014-02]

Subject to the provisions of this Article and except in a period of emergency determined by the City or Police Department or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle is parked in any metered parking space, the operator of such vehicle shall, upon entering such parking space, immediately deposit or cause to be deposited in the parking meter for that space such proper currency of the United States or other payment as is required for such parking meter and as is designated by directions on the meter. The operator of such vehicle, after the deposit of the proper payment shall also set in operation the timing mechanism on such meter, if any, in accordance with directions properly appearing thereon. Upon the deposit of such currency or payment and the setting of the timing mechanism in operation when so required the parking space in question may be lawfully occupied by such vehicle during the period of time which has been prescribed for the parking lot or part of the street in which said parking space is located. Parking or standing a vehicle in such a parking space shall only be lawful for the period of time indicated by the parking meter upon the payment as required by the instructions on each meter.

§ 114-47. Parking regulation. [Amended 3-5-14 by HO 2014-02]

A. It shall be unlawful for any person to cause, allow or permit any vehicle registered in his/her name or any vehicle under his/her control to be or remain parked or stopped in any metered parking space, for any period of time without immediately making the required payment in the parking meter pursuant to the directions on the meter controlling the parking space.

B. It shall be unlawful for any person to permit any vehicle to remain or be placed in any parking space in an area designated for municipal employees or staff, unless the vehicle in question displays the applicable permit.

C. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for the parking space in question or to deposit in any parking meter any payment for the purpose of parking beyond the maximum legal parking time, if any for the particular parking meter zone or space.

D. It shall be unlawful for any person to park any vehicle across any line or marking of a metered parking space or in such position that the vehicle shall not be entirely within the parking space designated by such lines or markings.

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E. The loading or unloading of a truck, van or other commercial vehicle may be conducted for a brief, reasonable period on a metered parking space without making the applicable payment.

F. It shall be unlawful for any person to attempt to or to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Article.

G. It shall be unlawful for any person to counsel, aid or abet any violation of this Article or any failure to comply with this Article.

H. The owner of any vehicle parked in violation of or failing to comply with this Article shall be *prima facie* responsible for such violation or failure to comply.

§ 114-48. Parking violation procedures. [Amended 3-5-14 by HO 2014-02]

A. Authorized enforcement personnel as outlined in § 114-3 of this Chapter shall issue a report or ticket for each violation. The violation notice shall contain:

1. The location and number (as applicable) of the metered parking space where the vehicle occupying it is or has been parked in violation of any of the provisions of this Article.
2. The State license number of such vehicle.
3. The date and approximate time of such violation.
4. Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances, attending the violation.
5. An oath by the officer or designated employee be attached and certifying, under penalty of perjury, that the matters set forth on said citation are, to the best of his/her knowledge, true.

B. It shall be the duty of the person issuing the ticket or report to submit to the appropriate City employee, official, or department written notice of each violation of or failure to comply with the parking requirements of this Article.

C. The person issuing the ticket or report shall give the owner or driver a copy of the report of violation or, in the event that said vehicle is unattended, shall attach said notice in a conspicuous place upon the vehicle.

§ 114-49. Notification of right to stand trial; maximum fine. [Amended 3-5-14 by HO 2014-02]

A. Notification of right of trial. Upon notification or attachment to the vehicle of said notice of violation, said notice shall notify the defendant that if he/she desires to stand trial he/she may notify the Hyattsville Police Department or other designated City department at least five (5) days prior to the payment date set forth in the citation, and said department will obtain a trial date within fifteen (15) days of the date of notification by the defendant of his desire to stand trial. Further, said notice shall notify the defendant of the right to stand trial.

B. Violation of any section of this Article shall have a maximum fine of up to one hundred fifty dollars (\$150.00) unless otherwise provided. [Amended 1-17-84 by HB No. 5-84].

C. It shall be a misdemeanor to violate □ 114-47(f) punishable by a fine of up to one thousand dollars (\$1,000.00) and/or sixty (60) days imprisonment in addition to an assessment of costs for repair/replacement of the parking meter.

§ 114-50. Payment in lieu of prosecution. [Amended 1-17-84 by HB No. 1-84; 12-17-84 by HB No. 10-84, amended 6-1-98 by HR 98-02, Amended 3-5-14 by HO 2014-02]

If, upon receipt of a notice of violation herein, the owner or operator of a vehicle in question shall pay to the City or the City's agent designated on the notice the full amount of the fine pursuant to 114-73 of this Chapter.

ARTICLE VII

Miscellaneous Provisions

§ 114-70. Storage or service of vehicles upon streets or public spaces prohibited. [Amended 4-21-14 by HO 2014-04]

A. It shall be unlawful for any person owning, operating, maintaining or conducting any automobile sales, service or repair agency to store or service any automobile or vehicle of any kind or description upon any street or public space in the City.

B. It shall be unlawful for any person in a residential area to service any automobile or vehicle upon any street or public area in the city except for:

- (1) Emergency repairs;
- (2) Minor routine maintenance that does not obstruct the roadway;
- (3) Minor repairs ordinarily delivered at home such as lock and key replacement or windshield repairs.

Note: See Chapter 113.

§ 114-71. Riding on portions of vehicles not designed for passengers restricted.

It shall be unlawful for any person to ride upon any portion of any vehicle not designed or intended for the use of passengers when the vehicle is in motion; provided, however, that this provision shall not be construed to apply to any employee engaged in the performance of his duties.

§ 114-72. Handicapped parking regulations; penalty. [Amended 6-1-98 by HB 98-02, amended 10-4-04 by Ord. 2004-14, Amended 4-21-14 by HO 2014-04]

A. No person shall stand or park a vehicle in any parking space on public or private property designated as parking reserved for the physically handicapped with the proper signs or markings posted in conformance with the sign standards in the Maryland Manual, unless said vehicle displays a special registration plate or permit issued by the State of Maryland or Prince George's County with a "handicapped" or other appropriate designation.

B. Violations of this subsection 114-72 shall be punishable as misdemeanors, and the fine for each violation shall be two hundred and fifty dollars (\$250.00). [Amended 2-21-89 by HB No. 3-89; 6-1-98 by HR 98-02]

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C. Nothing in this subsection is meant to relieve persons with proper signs re handicaps from paying the fees unless they can demonstrate the inaccessibility of the meter for payment.

§114-72.1. Parking on Unpaved or Unprepared Surfaces. [Amended 4-21-14 by HO 2014-04]

A. Definitions. For the purpose of this section:

(1) “Unpaved Area” shall mean any surface not completely covered by asphalt or concrete.

(2) “Unprepared Area” shall mean any surface

(a) Not completely covered by brick, block, gravel, crushed stone or other similar permeable or semi-permeable aggregate material;

(b) Not installed either pursuant to a valid permit or according to construction standards for vehicle parking; or

(c) Overgrown, covered with sediment, or not maintained.

B. It shall be unlawful to park any vehicle on the unpaved or unprepared area of any residential property except during a “Snow Emergency.”

C. It shall not be necessary to provide a full platform of the surface material under the parked vehicle, so long as the wheels of the vehicle are parked on a paved or prepared area and access to the area is likewise over a paved or prepared area.

D. Nothing contained herein shall be construed as authorizing a departure from the green area requirements of the Zoning Ordinance of Prince George’s County, Maryland. Additionally, any person utilizing any portion of their property for such purposes as outlined in this ordinance, must first be in compliance with Chapter 68, Article III and Chapter 105 Article V of the Hyattsville City Code.

E. Violation of this subsection 114-72.1 shall be punishable as a Municipal Infraction as provided in Chapter 20 of this Code. Where a Municipal Infraction has been issued for a violation of this Ordinance, each five-day period following the issuance of said citation during which any violation(s) continues uncorrected or recurs shall constitute a separate violation for which additional Municipal Infraction(s) may be issued. The fine for any single violation shall be one hundred dollars (\$100.00) and the fine for a second offense shall be two hundred fifty dollars (\$250.00) and the fine for each subsequent offense shall be five hundred dollars (\$500.00).

ARTICLE VIII

Penalty Provisions; Impoundment

§ 114-73. Violations and penalties. [Amended 10-4-04 by Ord. 2004-14, Amended 3-5-14 by HO 2014-02]

A. Election. Unless a separate procedure is provided for in this Chapter, the following procedures apply to violations of this chapter:

(1) Election by person receiving citation.

(a) Within fifteen (15) days after the date of the citation, the person receiving a citation under this chapter shall:

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- (i) Pay the amount indicated on the violation directly to the city police department; or
- (ii) Choose to stand trial for the violation.

(b) A choice to stand trial shall be made by sending a notice of intention to stand for trial to the city police department within fifteen (15) days after the date on the citation.

(c) Upon the failure of the person cited to elect within fifteen (15) days after the date of the citation, the fine for the violation shall double.

(D) Upon the failure of the person to act within thirty (30) days after the date of the citation, the fine for the violation shall double again.

(2) When presence of City personnel required. If a person elects to stand for trial and desires the presence at trial of the officer or person who issued the citation, he/she shall so notify the City Police Department at the time the notice of intention to stand trial is given.

(3) If proper notification is not given, the officer or person who issued the citation need not appear at the trial, and the copy of the citation bearing the certification of the person who issued the citation is *prima facie* evidence of the facts stated in it.

B. Except where another penalty is provided for within this Chapter the fine for a violation of this Chapter shall be thirty-five dollars (\$35.00) if the person cited makes the election as outlined in this subsection 114-73(A). Without such election within fifteen (15) days, the fine shall be seventy dollars (\$70.00).

§ 114-74. Impoundment procedures; reclamation. [Amended 3-5-14 by HO 2014-02]

A. The Police Department may “boot” or take into custody and impound:

(1) Any unattended vehicle parked or left standing on any highway or street in the city or on any property owned or leased by the city in violation of any traffic or parking regulation.

(2) Any unattended vehicle for which five (5) or more outstanding parking or parking meter violation citations have accumulated and matured to the maximum fine.

B. The provisions of Title 25, Subtitle 2, of the Maryland Vehicle Law (§ 25-201 et seq. of the Transportation Article of the Annotated Code of Maryland) shall apply with respect to the removal, storage, reclamation and disposal of any vehicle taken into custody pursuant to Subsection A above.

C. In addition to any information required to be contained in the notices given under Title 25, Subtitle 2, of the Maryland Vehicle Law, information as to the nature and circumstances of the traffic or parking violation or violations on account of which a vehicle is impounded shall be given to the owner or other person normally in charge of such vehicle.

D. In addition to paying all towing, preservation and storage charges resulting from taking or placing the vehicle in custody, the owner or person normally in charge of such vehicle shall also be liable for any fine or forfeiture resulting from the violation or violations for which the vehicle was impounded, and such vehicle shall not be released until either written receipt is displayed showing payment of such fine or forfeiture or collateral in the sum of twenty-five dollars (\$25.00) per violation is posted for appearance of the owner or person normally in charge of such vehicle in the people’s court of the county to answer the violation or violations on account of which the vehicle was impounded.

§ 114-75. Flagging penalty. [Amended 6-1-98 by HR 98-02]

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Any owner of a vehicle who shall receive a warning letter from the city pursuant to the provisions of the Maryland Motor Vehicle Administration's parking violation and flagging procedures or shall seek to obtain a parking fine receipt from the city in order to register said vehicle shall be subject to a fine of fifteen dollars (\$15.00) in addition to those penalties incurred as a result of other violations of this chapter.

§ 114-76. Vehicles with illegal or expired license plates. [Added 3-19-84 by HB No. 6-84; amended 12-17-84 by HB No. 10-84, amended 6-1-98 by HR 98-02, amended 10-4-04 by Ord. 2004-14, Amended 3-5-14 by HO 2014-02]

A. It shall be unlawful to park or leave standing, store or operate any vehicle requiring a license plate on any public street or any property owned or leased by the City, or any private property unless in a fully enclosed garage (see Chapter 113) unless said vehicle shall have affixed or attached thereto license plates or markers displayed conspicuously on the front and rear of said vehicle in accordance with the provisions of the Annotated Code of Maryland or, in the case of a nonresident, the State, County or territory where such vehicle is registered. **[Amended 11-7-88 by HB No. 8-88]**

B. The penalty for each violation of this subsection 114-76 shall be the sum of one hundred dollars (\$100.00). Any owner may avoid prosecution for a violation of this section by forfeiting collateral in the amount of fifty dollars (\$50.00). **[Amended 6-1-98 by HB 98-02, amended 10-4-04 by Ord. 2004-14]**

C. Any vehicle found in violation of this section is subject to impoundment. **[Added 11-7-88 by HB No. 8-88]**

D. In addition to paying all towing, preservation and storage charges resulting from taking or placing the vehicle in custody, the owner or person normally in charge of such vehicle shall also be liable for any fine or forfeiture resulting from the violation or violations for which the vehicle was impounded, and such vehicle shall not be released until either written receipt is displayed showing payment of such fine or forfeiture or collateral in the sum of fifty dollars (\$50.00) per violation is posted for appearance of the owner or person normally in charge of such vehicle in the District Court, State of Maryland, to answer the violation or violations on account of which the vehicle was impounded. **[Added 11-7-88 by HB No. 8-88]**

E. In addition to any information required to be contained in the notices given under Title 25, Subtitle 2, of the Maryland Vehicle Law, information as to the nature and circumstances of the traffic or parking violation or violations on account of which a vehicle is impounded shall be given to the owner or other person normally in charge of such vehicle. **[Added 11-7-88 by HB No. 8-88]**