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Chapter 150

Vehicles and Traffic

[HISTORY: Adopted by the Mayor and Council of the City of Seat Pleasant as indicated in Part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 137.

Street vendors — See Ch. 141.

Storage of vehicles — See Ch. 154.

Part 1

Parking, Stopping and Standing Restrictions and Regulations

[Adopted 10-10-2011 by Ord. No. O-12-08]

Article I

General Provisions

§ 150-1 General definitions.

For the purpose of this Part 1, the following words and phrases shall have the meanings assigned below, except in those instances in which the context clearly indicates a different meaning:

AUTHORIZED SERVICE PROVIDER

A company authorized to provide parking services for the City.

[Added 9-18-2017 by Ord. No. O-18-01]

AUTHORIZED TOWING COMPANY

A towing company duly licensed by Prince George's County, Maryland.

CITY

The City of Seat Pleasant.

CITY POLICE

The Seat Pleasant Police Department.

COMMERCIAL BUS

A vehicle designed to carry more than 10 passengers and which is used to carry people for compensation in furtherance of a commercial, for-profit purpose. This shall not include a van-pool operation as described in the Transportation Article of the Annotated Code of Maryland.

Commented [1]: Editor's Note: This ordinance also provided for the repeal of former Ch. 150, Vehicles and Traffic, Art. I, Parking, Stopping and Standing Restrictions, adopted 1-9-2006 by Ord. No. 05-05.

COMMERCIAL TRAILER

Every trailer or semi-trailer designed and used for carrying freight or merchandise and every trailer or semi-trailer used for carrying freight or merchandise in the furtherance of any commercial purpose.

COUNTY

Prince George's County, Maryland.

COUNTY POLICE

The Prince George's County Police Department.

HEAVY COMMERCIAL TRUCK

Trucks except light commercial vehicles.

IMPOUNDING

The temporary storage of a vehicle that has been removed from public and private property, as herein defined, at a facility maintained by the City, the county, or an authorized towing company.

LIGHT COMMERCIAL VEHICLES

Includes pick-ups and panel trucks up to and including those of a three-fourths-ton capacity and Maryland Motor Vehicle Administration registration restricting vehicles to 10,000 pounds' gross vehicle weight and used for compensation in furtherance of a commercial, for-profit purpose.

MOTOR VEHICLE ADMINISTRATION

The Motor Vehicle Administration of the State of Maryland.

MOTOR VEHICLE LAW OF MARYLAND

Titles 11 through 27 of the Transportation Article of the Annotated Code of Maryland (1977), as may be amended from time to time.

PRIVATE PROPERTY

Private property which has been posted by the owner of the property against unauthorized parking pursuant to the provisions of this Part 1.

PROPERTY OWNER

Includes the owner of property or any person having a possessory interest in such property.

TOWING

The moving or removing, and the preparation therefor, of an impoundable vehicle by another vehicle for which a service charge is made either directly or indirectly. A charge made indirectly refers to dues or other charges of bona fide clubs or associations which provide towing services.

TOWING COMPANY

A natural person, partnership, corporation, limited liability company, fiduciary, association, or other entity owning, operating, or conducting the business of towing or removing illegally parked vehicles from private property.

VEHICLE

A vehicle as defined in § 11-176 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time, which includes but is not limited to motor vehicles, motorcycles and trailers.

Article II Parking Regulations

§ 150-2 Authority of City Administrator.

- A. The City Administrator is hereby authorized, on the basis of an engineering and traffic investigation, to prohibit, regulate, or limit stopping, standing, or parking of vehicles at all times or during specified hours.
- B. No prohibition, regulation, or limitation relating to stopping, standing, or parking imposed under this Part 1 or any other ordinance of the City of Seat Pleasant which requires an official traffic control device shall be effective unless official traffic control devices are erected and in place at the time of any alleged offense; and it shall be the duty of the City Administrator to erect and maintain such devices.
- C. The City Administrator is authorized to set administrative fees. **[Added 9-18-2017 by Ord. No. O-18-01]**

§ 150-3 Parking for longer than 72 hours prohibited.

- A. No person shall park or allow to stand any vehicle on any of the public streets or roadways in the City of Seat Pleasant for a period in excess of 72 hours.
- B. Any vehicle which is parked in violation of this section shall be subject to being towed by the City Police Department from such highway or street and impounded. The impoundment of the vehicle shall be done pursuant to Article IV. **[Added 9-18-2017 by Ord. No. O-18-01]**
- C. Any person issued a citation for a violation of this section shall be subject to a fine of \$50 for each violation.

Commented [2]: Editor's Note: This ordinance also redesignated former Subsection B as Subsection C.

§ 150-4 Overnight and weekend parking of commercial buses, trailers, and trucks restricted; impounding; penalty.

- A. No person shall park any commercial bus, commercial trailer, or heavy commercial truck on any street or highway in the City of Seat Pleasant between the hours of 6:00 p.m. and 6:00 a.m. each day of the week or at any time on Sundays or holidays.
- B. This section shall not apply to vehicles which are in the course of a commercial purpose and do not park for more than a two-hour period.
- C. Any vehicle which is parked in violation of this section shall be subject to being towed by the City Police Department from such highway or street and impounded. The impoundment of the vehicle shall be done pursuant to Article IV of this Part 1. **[Amended 9-18-2017 by Ord. No. O-18-01]**
- D. Any person issued a citation for a violation of this section shall be subject to a fine of \$150 for each violation.
- E. Any vehicle meeting the definition of a "commercial motor vehicle" as defined in the Federal Motor

Carrier Regulation FR 390.5 shall not park or stand on a street or highway to perform maintenance or repairs resulting from an out-of-service order which has been issued by an inspector certified by the United States Department of Transportation, Federal Motor Carrier Safety Administration, and the Maryland State Police. Commercial motor vehicles subject to this law shall be impounded pursuant to Article IV of this chapter and may be issued a parking violation of \$250 by a certified commercial motor vehicle inspector. Agents not certified as a commercial motor vehicle inspector as previously defined may issue a parking violation not to exceed \$50. **[Added 4-8-2019 by Ord. No. O-19-11]**

§ 150-5 Authority to designate loading zones.

The City Administrator is hereby authorized to determine the location of loading zones and passenger loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Part 1 are applicable.

§ 150-6 Standing in passenger loading zones.

- A. No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger loading zone during hours when the regulations applicable to such loading zone are effective, and then only for a period not to exceed three minutes.
- B. Any person issued a citation for a violation of this section shall be subject to a fine of \$50 for each violation. **[Amended 9-18-2017 by Ord. No. O-18-01]**

§ 150-7 Standing in loading zones.

- A. No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading for property exceed 30 minutes.
- B. The driver of a passenger vehicle may stop temporarily at a loading zone for the purpose of, and while actually engaged in, loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property.
- C. Any person issued a citation for a violation of this section shall be subject to a fine of \$50 for each violation. **[Amended 9-18-2017 by Ord. No. O-18-01]**

§ 150-8 Standing or parking restricted at bus stops.

- A. The City Administrator is hereby authorized to approve or disapprove the location of bus stops or rescind or modify any prior approval heretofore given.
- B. No person shall stop, stand or park a vehicle other than a bus within 30 feet of a bus stop, except that a driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, loading or unloading passengers when such stopping does not interfere with any bus waiting to enter such zone. Any person issued a citation for violation of this subsection shall be subject to a fine of \$50 for each violation. **[Amended 9-18-2017 by Ord. No. O-18-01]**

§ 150-9 Parking of unregistered motor vehicles or unregistered trailers.

- A. No person shall park any unregistered motor vehicle or unregistered trailer upon the highways, roads, streets, or other public property in the City of Seat Pleasant at any time.

- B. Any person issued a citation for violation of this section shall be subject to a fine of \$50 for each violation.

§ 150-10 Stopping, standing, or parking on private property.

- A. No person shall park, stop, or stand 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 park, stop, or stand the vehicle, as the case may be.
- B. Any person issued a citation for a violation of this section shall be subject to a fine of \$50 for each violation.

§ 150-11 Reserved parking for the handicapped.

- A. No person shall stand or park a vehicle in any parking space or zone on public or private property which is designated as parking reserved for the physically handicapped, with the proper signs posted in conformance with the most-recent edition of the State of Maryland Manual on Uniform Traffic Control Devices for Streets and Highways, unless the vehicle displays a special handicapped registration plate or permit issued by the state.
- B. Any person issued a citation for a violation of this section shall be subject to a fine of \$200 for each violation.

§ 150-12 Stopping, standing, or parking prohibited in specified places.

- A. General rule. The provisions of this section apply except as necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device.
- B. Stopping, standing, or parking. No person shall stop, stand, or park a vehicle:
- (1) In front of a public driveway;
 - (2) On a sidewalk;
 - (3) In an intersection;
 - (4) On a crosswalk;
 - (5) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the City Administrator indicates a different length by signs or markings;
 - (6) Alongside or opposite any highway excavation or obstruction if to do so would obstruct traffic;
 - (7) On any bridge or other elevated structure on a highway;
 - (8) In a highway tunnel;
 - (9) At any place where stopping is prohibited by an official sign; or
 - (10) On any entrance or exit ramp of any highway with two or more lanes for traffic moving in the same

Commented [3]: Editor's Note: Former Subsection C, which immediately followed and exempted violations of § 150-9 from the penalties set forth in this section, was repealed 9-18-2017 by Ord. No. O-18-01.

direction.

C. Standing or parking. No person shall stand or park a vehicle:

- (1) In front of a private driveway without the consent of the owner or occupant of the premises;
- (2) Within 15 feet of a fire hydrant;
- (3) Within 20 feet of a crosswalk at an intersection;
- (4) Within 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) Within 20 feet of the driveway entrance to any fire station or on the side of a highway opposite the entrance to any fire station within 75 feet of the entrance, if a proper sign is posted;
- (6) At any place where standing is prohibited by an official sign;
- (7) On the roadway side of any other vehicle that is stopped or parked at the edge or curb of a highway; or
- (8) On a curve or hill where solid lines on the surface of the roadway indicate a zone in which passing is prohibited;
- (9) With one or more of the side wheels more than 12 inches from the curb;
- (10) In a direction other than the flow of traffic;
- (11) So as to prevent another vehicle already stopped near the curb or otherwise illegally parked from moving away;
- (12) Not wholly within a designated parking space, or within two feet of the front or rear bumper of another vehicle parked at or parallel to the curb;
- (13) In a taxi stand when properly posted by official signs;
- (14) Upon any street or alley in such a manner or under such conditions as to leave available less than nine feet of the width of a roadway for free movement of vehicular traffic;
- (15) Upon any street where no-passing lines have been marked in such a manner or under such conditions as to leave available less than nine feet of width of the roadway between said vehicle and the no-passing line;
- (16) Upon the left-hand side of a highway which includes two or more separate roadways with traffic restricted to one direction upon any such roadway, unless signs are erected to permit such standing or parking on any such one-way roadway;
- (17) Between the curblines and the adjacent property lines, except where signs are installed designating this as a permissible parking area.

(18) Adjacent to a curb which the City has marked yellow or red. **[Added 9-18-2017 by Ord. No. O-18-01]**

D. Parking. No person shall park a vehicle:

- (1) Within 50 feet of the nearest rail in a railroad grade crossing;
- (2) At any other place where parking is prohibited by an official sign.

E. Penalty. Any person issued a citation for a violation of this section shall be subject to a fine of \$50 for each offense.

§ 150-13 Reserved parking spaces designated.

- A. The City Administrator is authorized, from time to time, to designate certain property for the parking of vehicles to be so designated by the affixing of a sign or other markings on or near the area so reserved. Signs or markings so erected shall be erected only under order of the City Administrator or his designee in areas and under the conditions of the order.
- B. The City Administrator may reserve parking for individuals, groups of individuals, or to the public at large and for any other use. The City Administrator shall reserve not fewer than eight parking spaces for the Mayor and City Council, to be designated as the Mayor and City Council shall direct, in an area suitable for the Mayor and City Council.
- C. The designated use appearing upon any sign so affixed by the City Administrator shall be prima facie evidence as to the purpose for which the area may be used and that the sign was affixed by the City Administrator.
- D. Parking permits may be issued by the City Administrator for reserved parking spaces or areas created under this section. Said parking permits shall be conspicuously displayed as directed by the City Administrator. Any vehicle upon which said reserved permit is not displayed in the manner required shall be presumed to be unlawfully parked in said reserved space or area.

§ 150-14 Unauthorized use of reserved parking spaces; impounding; penalty.

- A. No person shall park, store, or leave any vehicle of any kind, whether attended or not, and no owner of any vehicle of any kind shall allow, permit, or suffer any vehicle to be parked, stored, or left, whether attended or not, upon any property owned or leased by the City of Seat Pleasant and used for parking purposes, including access and egress roadways, without the consent of the City Administrator.
- B. Any vehicle found parked in a reserved parking space designated as provided in § 150-13, whose owner or driver is not authorized to park in the space, may be impounded by the Police Department. The impoundment of the vehicle shall be done pursuant to Article IV of this Part 1.
- C. Any person issued a citation for violation of this section shall be subject to a fine of \$50 for each violation. **[Amended 9-18-2017 by Ord. No. O-18-01]**

§ 150-15 Erection of parking meters; parking; maintenance.

- A. The City Administrator shall be authorized, from time to time, to designate certain City-owned or -leased property for the erection of parking meters. Parking meters so erected shall be erected only under City Council approval in areas and under the conditions as designated in such approval.

- B. Any parking meter so erected shall have affixed on or about it a sign or writing notifying prospective users of the conditions of parking. The designated use appearing upon any parking meter or writing so affixed by the City Administrator shall be prima facie evidence as to the purpose for which the adjacent area may be used and that the sign or writing was affixed by the Administrator.
- C. It shall be the duty of the City Administrator to see to the maintenance of parking meters and periodic collection of money deposited in any parking meters erected pursuant to this section.

§ 150-16 Use of parking meters; impounding; penalty.

- A. No person shall park, store, or leave any vehicle of any kind, whether attended or not, and no owner of any vehicle shall allow, permit, or suffer the vehicle to be parked, stored, or left, whether attended or not, upon any property upon which have been erected parking meters by the City Administrator, except in strict conformance with the designated use, time, and other conditions appearing on or about any parking meters erected thereon.
- B. Any vehicle found parked, stored, or left in violation of the conditions found on or about any parking meter may be impounded by the Police Department. The impoundment of the vehicle shall be done pursuant to Article **IV** of this Part **1**.
- C. Any person issued a citation for a violation of this section shall be subject to a fine not exceeding \$50 for each offense. [**Amended 9-18-2017 by Ord. No. O-18-01**]

§ 150-17 Parking meters or signs.

- A. No person shall willfully damage, destroy, or tamper with any parking meter, sign, or writing erected pursuant to this Part 1.
- B. Any person violating this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding \$50 for each offense. [**Amended 9-18-2017 by Ord. No. O-18-01**]

§ 150-18 Enforcement of parking regulations.

It shall be the duty of the police officers of the City of Seat Pleasant or any other City employees specifically designated by the City Administrator to enforce the provisions of this article.

Article III
Parking Permit Areas

§ 150-19 Designation of parking permit areas.

- A. The City Administrator is authorized to designate roads, streets, and other areas in the City as parking permit areas in which the parking of vehicles is restricted during specified times, unless a proper parking permit is displayed in or on the vehicle. The parking restrictions shall normally limit nonresident parking to periods of three hours or less between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, excluding holidays. However, when deemed necessary, the City Administrator may prescribe other hours and days when the parking restrictions are operative. Subject to Subsection **B**, the City Administrator may prohibit all nonresident parking in a parking permit area during the specified times when the restrictions are in effect.
- B. Except as modified below, the following shall be necessary to the designation of a City parking permit area:

- (1) The area shall be one consisting solely of residential uses and in which commercial and industrial uses do not exist.
- (2) A City traffic survey shall establish that, during the time period when parking restrictions may be imposed:
 - (a) Nonresidents park their vehicles in the area and proceed by other means to an area of commercial or industrial use, to a school or recreational area, or to public transportation; or, in the alternative, park their vehicles in the area and proceed to a multifamily unit or complex; and
 - (b) The average number of vehicles parked as described in Subsection **B(2)(a)** is in excess of 25% of the number of parking spaces available to the public without charge in the area and the total number of such spaces occupied by any vehicles exceeds 75% of such spaces; and
 - (c) At least 25% of the affected residential units have fewer than two off-street parking spaces.
- (3) A residential area may be considered for parking permit restrictions upon request of the residents affected or upon request of the elected officials.
- (4) Before a parking permit area is established or terminated, the City Administrator or his designee shall cause a public hearing to be held. The hearing shall be at City Hall or at a location within or reasonably adjacent to the area concerned and shall be preceded by due public notice published in a newspaper of circulation in the City. The notice shall state the time, place, and purpose of the hearing, the exact description of the area being considered, the time proposed for restrictive parking and any parking permit fee proposed. In addition to the published notice, reasonable efforts shall be made to mail or hand-deliver a similar notice to each household within the parking permit area.

§ 150-20 Parking permits.

Permits for parking in any parking permit area may be granted under objective criteria to be established by the City Administrator, to include, but not necessarily be limited to, residents of the area for every vehicle owned by such residents, and visitors of residents of the area for a period of 30 days, which permit may be renewable.

§ 150-21 Exceptions.

- A. Parking restrictions of this article shall not apply to service or delivery vehicles being used to provide services or delivery to a resident of the area.
- B. The City Administrator shall exempt metered parking spaces from area restrictions.
- C. There shall also be issued permits exempting handicapped persons from the restrictions of any parking permit area which may be established; automobiles equipped with special handicapped licensed plates shall need no further permit under this section.

§ 150-22 Signs.

Following designation of a parking permit area, the City Administrator shall cause parking signs to be placed in the area indicating the parking restrictions and the parking permit exceptions.

§ 150-23 Parking area violation; penalty.

- A. No person shall park any vehicle or use any parking permit in a manner contrary to the regulations and

provisions established by the City Administrator pursuant to this article.

- B. Any person issued a citation for a violation of this section shall be subject to a fine of \$50 for each violation.
- C. It shall be the duty of the police officers of the City, or any other City employees specifically designated by the City Administrator, to enforce the provisions of this article. The Police Department is authorized to impound and remove any vehicle parked in violation of the regulations and provisions established pursuant to this article without prior notice pursuant to Article IV.

Article IV Impoundment

§ 150-24 **Impoundment without prior notice.**
[Amended 11-14-2011 by Ord. No. O-12-09]

A vehicle subject to impoundment under any provision of federal, state, or local law may be impounded without giving prior notice to its owner under the following circumstances:

- A. When the vehicle is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic; or
- B. When the vehicle is illegally parked in any zone that has been limited to designated classes of vehicles or where parking is prohibited during certain hours, on designated days or at all times, and where such vehicle is interfering with the proper and intended use of such zones; or
- C. When the vehicle imposes an immediate danger to the public safety; or
- D. When a police officer has a probable cause to believe that the vehicle is stolen; or
- E. When a police officer has probable cause to believe that the vehicle constitutes evidence of a crime or contains evidence of a crime, if impoundment is reasonably necessary in such instance to obtain or observe such evidence; or
- F. When the operator of the vehicle has been taken into custody and impoundment of the vehicle is reasonably necessary to provide for the safekeeping of the vehicle; or
- G. When the vehicle is both:
 - (1) An abandoned vehicle as defined by § 150-49B; and
 - (2) Located on any public street, highway, roadway, shoulder, other public property or public utility right-of-way, provided that any impoundment from public property must be at the direction of the Police Department; or
- H. When the vehicle is found parked in a reserved parking space in violation of § 150-14; or
- I. When the vehicle is parked on private property in violation of § 150-9; or
- J. When the vehicle is parked in violation of § 150-52; or

- K. When the vehicle is parked in violation of § **150-53**; or
- L. When the vehicle is parked on a street where parking is restricted or prohibited to allow for street cleaning and other street maintenance activity.
- M. When the vehicle is parked in violation of § **150-3**; or **[Added 9-18-2017 by Ord. No. O-18-01]**
- N. When the vehicle is designed for off-road use and is being operated or parked on public property without authorization and/or is not in compliance with applicable law; or **[Added 9-18-2017 by Ord. No. O-18-01]**
- O. Any vehicle operated on a roadway or parked on public property which is unregistered, displaying improper tags, or has expired registration; or **[Added 9-18-2017 by Ord. No. O-18-01]**
- P. Any vehicle being operated on public property or roadway which is unsafe for such use; or **[Added 9-18-2017 by Ord. No. O-18-01]**
- Q. Any vehicle which is or was operated by a driver that is not legally permitted to operate a vehicle on a roadway; or **[Added 9-18-2017 by Ord. No. O-18-01]**
- R. When the vehicle is parked in violation of § **150-65**; or **[Added 9-18-2017 by Ord. No. O-18-01]**
- S. When the vehicle is parked in violation of § **150-47**. **[Added 9-18-2017 by Ord. No. O-18-01]**

§ 150-25 Impoundment after prior notice.
[Amended 9-18-2017 by Ord. No. O-18-01]

A vehicle that is otherwise subject to impoundment pursuant to federal, state, or local law but may not be subject to impoundment without prior notice pursuant to § **150-24** of this code may not be impounded until 72 hours after notice of such proposed impoundment has been securely attached to, and conspicuously displayed on the vehicle.

§ 150-26 Impoundment; notice to owner.

- A. Within two full City working days after impoundment of any vehicle pursuant to § 150-24A(1) through (7) of this code, the Police Department or a designated service provider shall mail a notice by first class mail to the last known registered owner of the vehicle and to each secured party, as may be disclosed by the vehicle license number, if such be obtainable, and to any other person who claims the right to possession of the vehicle, if such a claim is actually known to an officer, agent or employee of the Police Department who has knowledge of the impoundment. If a police officer who has knowledge of the impoundment has reason to believe that an owner or one who claims the right to possession of the vehicle is residing or is in custody at some different address which is known to the officer, a copy of the notice shall also be mailed by regular mail to such owner or claimant at the known address. If a vehicle is redeemed prior to the mailing of such notice, then notice need not be mailed. **[Amended 9-18-2017 by Ord. No. O-18-01]**
- B. The notice shall contain the following:
 - (1) A statement as to the reason why the vehicle has been impounded;

- (2) The year, make, model, and vehicle identification number of the vehicle;
- (3) The location of the impoundment facility where the vehicle is being held;
- (4) A statement that the vehicle owner or secured party has the right to a hearing to contest the validity of the impoundment at any time within 21 calendar days of the date of such notice by filing a request for hearing with the Police Department on a request form which shall be included with such notice; and
- (5) A statement that the owner or the secured party may have a right, depending upon the reason for the impoundment, to reclaim the vehicle upon payment of all outstanding parking violations and all towing and storage charges resulting from the storage and towing of the vehicle.

§ 150-27 Impoundment; hearings.

- A. Within 21 calendar days from the date notice is mailed by the Police Department pursuant to § 150-26, the owner or secured party of a vehicle which has been impounded may request that a hearing be held to determine whether there was probable cause to impound the vehicle. The request for a hearing shall be made by filing a request-for-hearing form with the Police Department.
- B. A hearing shall be conducted before a hearing officer designated by the City Administrator within 24 hours of receipt of a written demand from the person seeking the hearing, unless such person waives the right to a speedy hearing. Saturdays, Sundays and City holidays are to be excluded from the twenty-four-hour period.
- C. The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle in question. "Probable cause to impound" shall mean such a state of facts as would lead a person with ordinary care and prudence to believe that there was sufficient breach of local, state, or federal law to grant legal authority for the removal of the vehicle.
- D. The hearing officer shall conduct the hearing in an informal manner so as to provide fundamental fairness and shall not be bound by formal rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The Police Department shall carry the burden of establishing that there was probable cause to impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision, which shall be made available to all interested parties. The hearing officer's decision in no way affects any criminal proceeding in connection with the impoundment in question, and any criminal charges shall only be challenged in the appropriate court. The decision of the hearing officer is final. Failure of the registered or legal owner to request or attend a scheduled hearing shall be deemed a waiver of the right to such hearing.

§ 150-28 Impoundment; decision of the hearing officer.

- A. If the hearing officer determines that there was no probable cause to impound the vehicle, the hearing officer shall prepare and date a "certificate of no probable cause," copies of which shall be given to the person who has the right to possess the vehicle and the Police Department. Upon the presentation of this certificate, the custodian of the vehicle shall release the vehicle without payment of towing and storage fees. Costs of the hearing and towing and storage fees shall be paid by the City or the owner of the premises from which the vehicle was towed if such owner or his agent authorized the towing and impoundment. Failure to present this certificate to the custodian of the vehicle within 24 hours of its

receipt, excluding such days when the custodian is not open for business, shall result in the liability of the owner or possessor of all subsequent storage charges and a lien by the custodian on the vehicle for the amount of such charges.

- B. If the hearing officer determines that there was probable cause to impound the vehicle, then the vehicle can be reclaimed only after payment of the costs of the hearing, all towing and storage charges and costs of notice incurred by the Police Department in connection with the impoundment.

§ 150-29 Impoundment; redemption of the vehicle without a hearing; bond.

- A. The owner or secured party of a vehicle which has been impounded may redeem such vehicle without a hearing by paying all towing and storage charges and the costs of notice incurred by the Police Department in connection with said impoundment.
- B. The owner or secured party may redeem the vehicle prior to a hearing without waiving the right to a hearing by posting a bond in the amount of all towing and storage costs and costs of notice incurred by the Police Department accruing up to the scheduled date of the hearing. This bond shall be forfeited in the event that the person requesting a hearing fails to attend the scheduled hearing or the hearing officer determines that there was probable cause to impoundment the vehicle.

Article V

Towing and Impoundment of Motor Vehicles from Private Property

§ 150-30 Parking on posted property; determination of owner.

It shall be unlawful for any person to park or cause to be parked a vehicle on a private property which has been posted against parking pursuant to this article without the consent of the owner of said property. The last owner of record of a vehicle found parked illegally on private property, as shown by the files of the Motor Vehicle Administration, shall be deemed prima facie to have been the owner of such vehicle at the time it was parked and the person who parked or caused to be parked said vehicle.

§ 150-31 (Reserved)

§ 150-32 Signs required; content; location.

[Amended 9-18-2017 by Ord. No. O-18-01]

- A. In general, the owner or operator of a parking lot or the owner's or operator's agent may not have a vehicle towed or otherwise removed from the parking lot unless the owner, operator, or agent has placed in conspicuous locations, as described in Subsection **B** of this section, signs that:
- (1) Are at least 24 inches high and 30 inches wide;
 - (2) Are clearly visible to the driver of a motor vehicle entering or being parked in the parking lot;
 - (3) State the location to which the vehicle will be towed or removed and the name of the towing company;
 - (4) State that state law requires that the vehicle be available for reclamation 24 hours per day, seven days per week;
 - (5) State the maximum amount that the owner of the vehicle may be charged for the towing or removal of the vehicle; and

Commented [4]: Editor's Note: Former § 150-31, Obtaining of signs; execution of agreement, was repealed 9-18-2017 by Ord. No. O-18-01.

- (6) Provide the telephone number of a person who can be contacted to arrange for the reclaiming of the vehicle by its owner or the owner's agent.
- B. Location. The signs described in Subsection A of this section shall be placed to provide at least one sign for every 7,500 square feet of parking space in the parking lot.

**§ 150-33 Complaint by property owner.
[Amended 9-18-2017 by Ord. No. O-18-01]**

Any property owner or property owner's agent may, when a vehicle is parked without authorization upon his private property without his consent, make a complaint to an authorized towing company stating that he requests that said vehicle be removed from his property. Said complaint shall be on a form approved by the Chief of Police and shall contain a statement made by the property owner or property owner's agent, under oath, that the vehicle which he seeks to have removed was parked on his property without his consent and that the vehicle was parked in an area from which a sign prohibiting unauthorized parking was clearly visible.

§ 150-34 Tow slip.

- A. The towing company shall cause to be presented to the property owner or property owner's agent a tow slip, which shall consist of one original and three copies. The towing company shall cause said tow slip to be completed by filling in all pertinent data. Before towing or removing the subject vehicle, the towing company shall cause the property owner or property owner's agent to sign said tow slip in the place provided. The towing company shall then cause a copy of the towing slip to be securely affixed to the subject vehicle. **[Amended 9-18-2017 by Ord. No. O-18-01]**
- B. The tow slip shall provide, as a minimum, spaces for filling in pertinent data as make and model of the vehicle, vehicle identification number, date and time of towing, license plate number, location towed from, name of complaining party, and name of towing company.

**§ 150-35 Towing of vehicle.
[Amended 9-18-2017 by Ord. No. O-18-01]**

- A. Before towing or removing the vehicle, the towing company shall have written authorization of the parking lot owner, which shall include:
 - (1) The name of the person authorizing the tow or removal;
 - (2) A statement that the vehicle is being towed or removed at the request of the parking lot owner; and
 - (3) Photographic evidence of the violation or event that precipitated the towing of the vehicle.
- B. After completion of the requirements of § 150-34 of this article, the towing company may proceed to tow the subject vehicle to an impoundment facility maintained by the City or by an authorized towing company.
- C. Within one hour after completion of the removal of the subject vehicle, the authorized towing company shall notify the City Police Department of the location and identification of the vehicle.
- D. In no event shall the impounded vehicle be towed to a storage lot more than 10 miles from the private

property.

§ 150-36 Maintenance during impoundment.

The impoundment custodian shall keep the keys to the vehicle, if same are therein, in his possession at all times while the vehicle is impounded. He shall keep the impounded vehicle secure and make periodic inspections of all impounded vehicles.

§ 150-37 Notification to owner.

A. Notification after impoundment shall be in accordance with the provisions of § **150-26** of this code; however, said notice shall be made exclusively by the towing facility receiving said impounded vehicle. **[Amended 9-18-2017 by Ord. No. O-18-01]**

B. The notice shall:

- (1) State that the vehicle has been taken into custody for violation of the City ordinance prohibiting unauthorized parking on private property;
- (2) State the year, make, model, and vehicle identification number of the vehicle;
- (3) Give the location of the impoundment facility where the vehicle is held;
- (4) Inform the vehicle owner that he has the right to contest the validity of the towing and storage of his vehicle at any time within 21 days of the date of such notice by filing a request for hearing with the City Police on a request form which shall be included with such notice;
- (5) Inform the owner and secured party of the right to reclaim the vehicle within 21 days after the date of said notice on payment of all towing and storage charges resulting from the towing and storage of the vehicle;
- (6) State that the failure of the owner or the secured party to exercise his right, as provided in Subsection **B(5)**, above, to reclaim the vehicle in the time provided is a waiver by him of all his right, title and interest in the vehicle and is a consent to the sale of the vehicle at public auction.

§ 150-38 Notification by publication.

A. This section shall apply if:

- (1) The identity of the last registered owner of an impounded vehicle cannot be determined;
- (2) The registration of the vehicle gives no address for the owner;
- (3) It is impossible to determine with reasonable certainty the identity and address of each secured party; or
- (4) The certified mail notice required by § **150-37** of this article is returned as undeliverable.

B. The towing facility shall give the notice provided for in § **150-37** by publication in at least one newspaper of general circulation in Prince George's County, Maryland. **[Amended 9-18-2017 by Ord. No. O-18-01]**

C. The notice by publication:

- (1) May contain multiple listings of abandoned vehicles;
- (2) Shall contain the information required by § 150-37; and
- (3) Shall be published within 15 days of the taking into custody of the vehicle or, if the notice by publication is made because of the return as undeliverable of a prior notice by certified mail, within seven days of the return of that prior notice.

§ 150-39 Hearing; determination; appeals.
[Amended 9-18-2017 by Ord. No. O-18-01]

- A. Within 21 days from the date notice is mailed pursuant to §§ 150-37 and 150-38 of this article, the owner or secured party of a vehicle which has been impounded may request that a hearing be held to determine whether the vehicle was properly towed and impounded under the provisions of this article. The request for a hearing shall be made by filing a request-for-hearing form with the Police Department.
- B. The hearing shall be held within 30 calendar days after the request for a hearing is filed with the Police Department. The hearing shall be before a hearing officer designated by the City Administrator. Such hearing officer shall not be a member of any state or local police department.
- C. Determination as to whether vehicle was parked illegally.
 - (1) If it is determined at the hearing that the vehicle was not parked on private property in violation of this article, then the hearing officer shall issue an order that the vehicle be returned to the owner and that such owner is not liable for any of the towing, storage, or other charges incurred in connection with the impoundment. If the owner has already paid such towing, storage and other charges, he shall be entitled to receive reimbursement of all such payments from the property owner who filed the complaint which caused the towing and impoundment of the vehicle.
 - (2) If the hearing officer shall determine that the vehicle was illegally parked on private property in violation of this article, then the owner of the vehicle may not reclaim it until he has paid all towing and storage charges and costs of notice incurred by the City Police.

§ 150-40 Payment of charges.
[Amended 9-18-2017 by Ord. No. O-18-01; 6-18-2018 by Ord. No. O-18-19]

- A. The owner or secured party of a vehicle which has been impounded may reclaim such vehicle within 21 days of the date notice is mailed pursuant to §§ 150-37 and 150-38 by paying all towing and storage charges and costs of notice incurred in connection with said impoundment pursuant to regulations issued by the Chief of Police.
- B. The Chief of Police is authorized to charge an administrative fee for police-related impounds.

§ 150-41 Failure to reclaim vehicle.
[Amended 9-18-2017 by Ord. No. O-18-01]

If the owner or secured party fails to reclaim an impounded vehicle within 21 days after notice is mailed pursuant to this article, the owner or secured party is deemed to have waived all of his right, title and interest to the vehicle and to have consented to the sale of the vehicle at public auction.

§ 150-42 (Reserved)

Article VI
Public Parking Areas

§ 150-43 Applicability of article.

This article shall apply to all public parking facilities throughout the City operated by a public agency requiring regulatory enforcement.

§ 150-43.1 Marking of public parking facilities.

- A. Spaces for parking of motor vehicles shall be marked off along public parking facilities by means of painted lines on the parking surface, by raised curbs, or by other suitable means so as to clearly delineate said space as a designated and authorized parking space for one vehicle. Directional arrows, stop signs, or stop bars and other traffic control devices shall be provided to assist and direct circulation within public parking facilities.
- B. Areas of public parking facilities not otherwise designated by painted lines or otherwise as parking spaces shall be considered official "no-parking" zones when indicated by posted signs or yellow paint applied to the top and face of the curb or by yellow painted lines on the parking surface, unless otherwise posted.

§ 150-44 Parking regulations: public parking facilities.

- A. Except temporarily for the purpose of, and while actually engaged in, loading or unloading passengers or for emergency repairs when the vehicle cannot be driven, no person shall park any vehicle on a public parking facility:
 - (1) In violation of any of the other parking provisions of this Part 1;
 - (2) In a "no-parking zone" when posted by sign or indicated by yellow painted curb or yellow painted lines on the parking surface;
 - (3) Anyplace not otherwise designated by painted parking spaces or otherwise prohibited, including driving aisles, driveways, raised curb channelization structures, sidewalks, landscaped areas, islands, etc.;
 - (4) In an area where parking is temporarily prohibited when marked off by temporary signs or barricades or when an official cover or hood is placed over a parking meter;
 - (5) So as to prevent another vehicle already stopped or otherwise legally parked in a designated parking space from moving away;
 - (6) For a period longer than twenty-four hours;
 - (7) By backing said vehicle into a parking space when posted by "front in only" signs;
 - (8) In such a manner as to cause the vehicle to be parked not wholly within the area of one designated parking space;
 - (9) And leave it unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake thereon; or

Commented [5]: Editor's Note: Former § 150-42, Sale of vehicle; disposition of proceeds, was repealed 9-18-2017 by Ord. No. O-18-01.

(10) In such a manner so as to impede or obstruct the free flow of traffic or to cause a hazard to public safety.

B. Any person issued a citation for a violation of this section shall be subject to a fine of \$50 for each violation. **[Amended 9-18-2017 by Ord. No. O-18-01]**

§ 150-45 Acts and conduct prohibited.

It shall be unlawful for any person to enter upon a public parking facility and:

- A. Engage in any conduct, sport, or activity which may jeopardize the safety or welfare of persons or property, including, but not limited to, riding any coasting device, bicycle, or unregistered self-propelled vehicle; playing in or tampering with elevators; climbing; skating, or skateboard riding; ball playing; throwing, slinging, or otherwise projecting objects within or from the public parking facility; and sledding;
- B. Tamper with, deface, or otherwise cause injury to fire equipment, parking equipment, or other public property contained therein or to any automobile parked therein;
- C. Discard waste material or otherwise deposit litter on the premises;
- D. Fail to pay the prescribed parking fee upon entering or leaving said facility when such facility is operated by an attendant, cashier, or automatic collection device controlled by the public agency.

§ 150-46 Uses prohibited.

Except when authorized by written permission of the public agency, no person, association, business, or corporation shall cause, or otherwise be responsible for, a publicly owned or leased and operated public parking facility to be used for any of the following:

- A. For the storage of or for access to refuse containers associated with the use of any adjacent property;
- B. For vehicular access to the adjacent property;
- C. For the staging of construction, maintenance, or repair work to the adjacent property;
- D. For the solicitation of the general public for taxi, charity, business, or political purposes or for the distribution of any handbill;
- E. For a public assembly;
- F. For the storage of equipment or materials of any kind;
- G. To perform any service and repair necessary for the removal of an inoperative motor vehicle;
- H. To park or store any motor vehicle left in the custody of the management of a garage, repair shop, or service facility;
- I. To park or store any new or used automobile which has been transferred to an automobile dealership for the purpose of trade or sale and not registered, unless the vehicle displays dealer license plates;
- J. To load or unload commercial vehicles; or

K. To cause, allow, or conduct student driver training classes or instruction.

§ 150-47 **Obedience to public parking area regulations.**

- A. It shall be a violation of this article for any person to disobey any directions on any official traffic control device or any of the other provisions of this article.
- B. Any vehicle parked in violation of this article or otherwise parked so as to constitute a definite hazard to public safety, or which is so parked, stopped, or standing so as to impede or obstruct the normal movement of traffic or pedestrians, may be impounded by members of the Police Department or other authorized persons designated by the Chief of Police pursuant to Article IV.

§ 150-48 **Penalties.**

Unless another penalty is expressly provided by law or a specific penalty is provided within a section of this article, every person convicted of a violation of any provisions of this article shall be punished by a fine of not more than \$100.

Article VII
Abandoned Vehicles

§ 150-49 **Abandoned vehicles prohibited.**

- A. No person shall leave any abandoned vehicle at any place within the City; and no owner, lessee, or custodian in charge of any lot, field, road, street, lane, or other property shall permit any abandoned vehicle to remain on such property within the City.
- B. "Abandoned vehicle" means any motor vehicle, trailer, or semi-trailer: **[Amended 9-18-2017 by Ord. No. O-18-01]**
- (1) That is inoperable and left unattended on public property;
 - (2) That has has been parked illegally on public property;
 - (3) That has remained on private property for more than forty-eight hours and:
 - (a) Is inoperable in that one or more of its major mechanical components, including but not limited to engine, transmission, drive train, and wheels, is missing or not functional, unless such vehicle is kept in an enclosed building or as permitted by Chapter 154 of this Code; or
 - (b) Is not displaying currently valid registration plates; or
 - (c) Is displaying registration plates of another vehicle.
- C. Any partially dismantled, wrecked, or junked motor vehicle may be presumed to have been or be abandoned.
- D. Any person issued a citation for a violation of this section shall be subject to a fine of \$50 for each violation.

Article VIII

Miscellaneous Regulations

§ 150-50 Authority to prohibit through trucks.

- A. The City Administrator is hereby authorized to regulate through truck traffic, and in the regulations prohibit trucks from using any highway or alley which has not been designated or maintained as part of the state or federal highway system or an extension thereof, provided the City Administrator has designated an adequate alternate route for truck traffic diverted or prohibited from using any highway or alley.
- B. When signs are erected giving notice thereof, no person shall operate any truck upon any such street, or portion of a street, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.
- C. This section does not apply to light commercial vehicles.

§ 150-51 Authority to restrict right to use highways.

- A. The City Administrator may prohibit the operation of vehicles upon the road or highway, or impose restrictions as to the weight of vehicles to be operated upon the highway, or reduce the maximum speed limits of vehicles operating upon the highway, for any one period not to exceed 60 days, and for a total period of not to exceed 90 days in any one calendar year, whenever the road or highway, by reason of deterioration, rain, snow, or other condition, will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced or the maximum speed limits reduced; provided, however, that vehicles supplying emergency service, such as supplying fuel and fuel oil and hauling milk, may use the roads and highways upon written permission of the City Administrator or his duly authorized representative. The City Administrator may designate and define the term "vehicle supplying emergency service" as hereinabove used.
- B. The City Administrator shall erect or cause to be erected, posted, and maintained signs designating the prohibition or restrictions at each end of that portion of any road or highway affected thereby, and the prohibition or restrictions shall not be effective unless and until the signs are erected and posted.
- C. Any person, whether the owner of such vehicle, the person in charge and control over the same, or an employee or agent, who draws, drives, propels, or in any other manner takes or causes to be taken, drawn, driven, or propelled over the road or highway posted as aforesaid any vehicles of any kind, weighing, with or without any load which may be in or upon the same, more than the number of pounds specified on the signboard so erected at the entrance to the road or highway, or at a greater rate of speed than specified on the signboard, without a permit in writing from the City Administrator shall be deemed guilty of a misdemeanor. In addition, the owner or person in control of the vehicle shall be liable to the City for all damages which may be done to the road or highway by the violation of the regulation so prescribed. In any trial of any person charged with a violation of any of the provisions of this section, oral proof of the existence of the signboard posted as herein provided and its contents shall be accepted as prima facie evidence of the validity of the regulation thereon prescribed.

§ 150-52 Authority to designate snow emergency routes.

- A. The City Administrator is hereby authorized to designate City roads as snow emergency routes, along which parking shall be prohibited during snow emergencies, and any vehicle using such prescribed routes shall be required to use snow tires or snow chains during such emergency. The City

Administrator shall adequately post such emergency routes with proper signs to warn the public of the provisions of this section, and such posted roads are determined to be emergency routes subject to the provisions of this section.

- B. No person shall park a motor vehicle or drive a motor vehicle without snow tires or snow chains during the emergency period on emergency routes designated by the City Administrator.
- C. Any vehicle which is parked in violation of this section, or any vehicle not equipped with snow tires or snow chains which is installed on any emergency route, shall be subject to being towed from such emergency route and impounded. The towing and storage charge shall be a lien against the vehicle and shall be paid before the vehicle may be released from impoundment.
- D. Any person issued a citation for a violation of this section shall be subject to a fine of \$50 for each violation. **[Amended 9-18-2017 by Ord. No. O-18-01]**

§ 150-53 Restricted on-street parking during snow and ice conditions or other emergency conditions.

- A. The City Administrator or his designee may restrict on-street parking during snow and emergency ice emergencies or other emergency conditions on any or all streets maintained by the City where parking is permitted on both sides of the street. While such restrictions are in effect, vehicles shall remain parked on the even-numbered side of the street until such time as the condition causing the restriction is cleared from the odd-numbered side of the street; provided, however, that nothing in this section permits parking in areas in which parking is otherwise prohibited.
- B. Said restriction shall be effectuated by public broadcast (metro area television and radio), with said broadcast deemed sufficient for enforcement of this section.
- C. The City Administrator shall be responsible for the promulgation of regulations for the implementation of this section.
- D. Any vehicle which is parked in violation of Subsection **A** shall be issued a citation for such violation and be subject to being towed and impounded by the City Police or other authorized police agency.
- E. Any person issued a citation for a violation of this section shall be subject to a fine of \$50 for each violation.

§ 150-54 Use of bridges restricted; regulations.

- A. The City Administrator shall designate the weights of wagons, trucks, road engines, road rollers, traction engines, threshing machines, or other vehicles of any kind passing over any bridges or culverts included in the City road system and the rate of speed of such vehicles while passing over the bridges or culverts.
- B. Such regulations shall be indicated by the conspicuous posting and maintenance of signs at both ends of the entrance to such bridges or culverts. Such signs shall be those set forth as standard applications for vehicle weight and speed restriction in the most-recent edition of the State of Maryland Manual on Uniform Traffic Control Devices for Streets and Highways, adopted by the Maryland State Highway Administration pursuant to the Annotated Code of Maryland, Transportation Article, § 25-104.
- C. Such signs shall be taken to mean that no vehicle of any kind weighing, with or without any load which

may be in or upon the vehicle, more than the number of pounds specified shall pass over such bridge or culvert and that no such vehicle, of any kind shall pass or be drawn, driven, propelled, or in any other manner taken over such bridge or culvert at a greater speed than that specified on such signboard.

- D. Any person, whether the owner of such vehicle, the person in charge and control over the vehicle, or an employee or agent of any such person, who draws, drives, propels, or in any other manner takes or causes to be taken, drawn, driven, or propelled over any such bridge or culvert so posted any wagon, truck, road engine, road roller, traction engine, threshing machine, or other vehicle of any kind weighing, with or without any load which may be in or upon the vehicle, more than the number of pounds specified on the signboard so erected at the entrances or approaches of such bridge or culvert, or at a greater rate of speed than that specified on such signboard, without a permit, in writing, from the City Administrator, shall be deemed guilty of a violation of this code. In addition to any penalty provided therefor, the owner or person in control of such vehicle shall be liable to the City for all damages which may be done to the bridge or culvert by the violation of the regulation.
- E. In any trial of any person charged with a violation of any of the provisions of this section, oral proof of the existence of such signboard posted as provided in the article and its contents shall be accepted as prima facie evidence of the validity of the regulations prescribed on such sign.

§ 150-55 Restricting use of streets for construction, etc., purposes.

- A. The City Administrator is hereby authorized to post signs and signals at such places and for such times as it is reasonably necessary to construct, alter, repair, clean by vehicular devices, or protect the public from dangerous conditions in any public right-of-way.
- B. No person shall park or drive a vehicle on the public road, street, alley, or other public-controlled way in violation of a closed street sign, no-parking sign, or other traffic or signal as posted. Any person issued a citation for a violation of this section shall be subject to a fine of \$50 for each violation. **[Amended 9-18-2017 by Ord. No. O-18-01]**

§ 150-56 Removal and impounding of unattended vehicles.

If any motor vehicle is left unattended upon any public road, highway, alley, or parking lot within the City in violation of any law, ordinance, or order regarding the parking of motor vehicles, or if any motor vehicle is left unattended upon any road, highway, alley, or parking lot within the City for an unreasonable length of time so as to impede the movement of traffic or constitute a threat to public safety, the City Police shall have authority to impound and remove such motor vehicle pursuant to Article IV.

§ 150-57 Removal of obstructions to vision.

- A. Whenever the City Administrator finds that there exist on any private property within the City any obstructions, such as trees, bushes, vines, weeds, undergrowth, loose earth, equipment, or any other obstructions, either fixed or movable, except buildings and similar structures affixed to the ground, that obstruct the vision of operators of vehicles traveling upon any public street, road, or highway so as to constitute a traffic hazard, the City Administrator shall immediately serve the owner, agent, lessee, or any other person having supervision over such property a written notice describing the premises upon which such obstruction exists, a statement of the particulars in which the vision of the operators of vehicles is obstructed, including the steps necessary to correct such conditions, and an order directing that corrective steps be taken within a stated period of time.
- B. Any person who considers himself aggrieved by any order issued pursuant to the authority of this

section may, within 10 days from the receipt of such order, petition the City Administrator, in writing, for a hearing thereon. Within 10 days from the receipt of such petition, the City Administrator shall hold such a hearing, after which he may affirm, modify, or rescind the order. No official of the City government shall remove any obstruction or enforce any order issued hereunder until after such hearing by the City Administrator has been held or until the time to petition for such hearing has expired without such a petition having been filed, or until any appeal becomes final.

- C. Upon failure of any person to comply with the provisions of any order issued under this section within the time specified therein, the City Administrator shall direct his subordinates to enter upon the property whereon the obstruction is located and remove all or such part of the obstruction as may be necessary to eliminate the traffic hazard.
- D. All orders and notices issued by the City Administrator pursuant to the authority of this section shall be served on the person to whom they are directed either by certified mail or by personal delivery to such person. If such person is not known to reside and cannot be found in Prince George's County, such service shall be made by publication and posting, and service shall be deemed to be made on the day of publication or prior posting.
- E. Whenever it is necessary for the City Administrator to provide for the removal or elimination of any type of obstruction referred to herein pursuant to the procedures prescribed above, he shall file with the Treasurer a certified statement of the cost to the City of such removal or elimination, together with proof of service and the notice prescribed above. The cost of such removal, together with the cost of publication, shall constitute a charge and lien against the property and shall be collected in the same manner as are real estate taxes.

§ 150-57.1 Authority to prohibit parking for street cleaning and other street maintenance.
[Added 11-14-2011 by Ord. No. O-12-09]

- A. The City Administrator may restrict or prohibit on-street parking on any street for the purpose of street cleaning or other street maintenance. The City Administrator shall post signs giving notice of any parking restriction or prohibition implemented under this section.
- B. A person may not park a vehicle on a street in violation of any posted restriction or prohibition of parking implemented under this section.
- C. A vehicle that is parked in violation of this section is subject to impoundment under § **150-24**.

Article IX
Bicycles and Play Vehicles

§ 150-58 Designation of sidewalks and trails.

The City Administrator shall have the authority to designate or establish sidewalks or trails in the City of Seat Pleasant for the exclusive or combined use of bicycles, play vehicles, or pedestrians, provided that such designation or establishment would not be contrary to public safety, that the cost would not be excessively disproportionate to the public benefit for the use thereof, or that there is not a demonstrated absence of projected benefit due to the sparsity of population or the existence of other available facilities or other factors which demonstrate an absence of any need for such facilities.

§ 150-59 **Exclusive use.**

If projected bicycle traffic or the safety of the cyclist or pedestrians justify a separate sidewalk or trail, a separate sidewalk or trail for the exclusive use of bicycles shall be established.

§ 150-60 **Motorized vehicles prohibited.**

[Amended 9-18-2017 by Ord. No. O-18-01]

No person shall stop, park, stand, or drive any motorized vehicle on any sidewalk or trail established under this article. Any person issued a citation for a violation of this section shall be subject to a fine of \$50 for each offense.

§ 150-61 **Signs posted.**

The City Administrator shall erect or cause to be erected, posted, and maintained signs or other suitable identification at regular intervals.

§ 150-62 **Applicable laws.**

Any sidewalk or trail designated or established by the City Administrator for use by bicycles shall be deemed to be a public bicycle area, and every person operating a bicycle thereon shall be subject to the applicable provisions of the laws of the State of Maryland.

Article X Penalties

§ 150-63 **Authority to levy penalties.**

Unless another penalty is expressly provided by law or a specific penalty is provided within this Part 1, every person convicted of a violation of any provision of this Part 1 shall be punished by a fine of not more than \$100.

§ 150-64 **Payment of fines; penalty for late payment.**

Unless a person elects to stand trial pursuant to § 26-204 of the Transportation Article of the Annotated Code of Maryland, the following shall apply:

- A. Any person issued a citation for violation of any section of this Part 1 shall pay the fine imposed as a penalty for violation of that section to the City Treasurer within 30 days from the date of notice of violation.
- B. Any person who fails to pay a required fine within 30 days of the date of notice of violation shall pay the City Treasurer:
 - (1) Twice the amount of the fine if paid after 30 days but not more than 60 days after the date of notice of violation; or
 - (2) Four times the amount of the fine if paid more than 60 days after the date of notice of violation.
- C. Any fine that is not paid within 90 days of the date of the notice of violation shall be considered delinquent and shall be subject to the provisions of § 150-65.

§ 150-65 **Outstanding traffic and parking violation notices; impoundment.**

- A. Any unattended motor vehicle found parked at any time upon any public street in the City of Seat Pleasant, or any parking facility owned or operated by the City of Seat Pleasant, against which there are two or more outstanding or otherwise delinquent traffic, parking and/or photo enforcement violation

notices or against which there have been issued two or more warrants, may, by or under the direction of the City Police Department, either by towing or otherwise, be removed or conveyed to and impounded in any place designated by the Chief of Police, or immobilized by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place. [Amended 9-18-2017 by Ord. No. O-18-01]

- B. The impoundment or immobilization of a vehicle shall be done pursuant to Article IV. In any case involving immobilization of a vehicle pursuant to this section, such member or officer shall cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual to the effect that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.
- C. The owner of such impounded or immobilized motor vehicle, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle upon presentation of a "certification of no probable cause" or upon satisfaction of all outstanding traffic and/or parking violation notices and reimbursement of all towing, storage, and other costs incurred as a result of the impoundment or immobilization.

Article XI Applicability

§ 150-66 Applicability of this Part 1 to vehicles upon highways of the City.

The provisions of this Part 1 relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except where a different place is specifically referred to in a given section.

Article XII Exceptions

§ 150-67 Public agency and public service company vehicle exception.

Nothing in this Part 1 shall apply to the use of highways by or the parking of vehicles of any public agency or public services company, as defined in § 1-101(x) of the Public Utilities Article of the Annotated Code of Maryland, when such parking or highway use is necessary for the repair or maintenance of facilities under the jurisdiction of such agency or company.

Article XIII Off-the-Road Motorcycles

§ 150-68 Definitions.

The following definitions shall apply to this article:

OFF-THE-ROAD MOTORCYCLES

Shall have the meaning given by § 25-102.1 of the Transportation Article, Annotated Code of Maryland, and shall mean a motorcycle not otherwise registered under the Transportation Article, and includes motorcycles designed for off-the-road operation, motorcycles not otherwise eligible for registration under the Transportation Article, and motorcycles commonly referred to as "dirt bikes." The term "off-the-road motorcycles" shall not include a "moped" as defined in § 11-134.1 of the Transportation Article, Annotated Code of Maryland.

§ 150-69 Registration.

All off-the-road motorcycles shall be registered with the Prince George's County Office of Business and Regulatory Affairs and shall display the registration tag issued by the Department. The registration tag shall be firmly attached and kept clean and legible at all times. The registration fee and duration of the license shall be as provided by the county. The off-the-road motorcycle shall be in the name of the owner or, where the owner is under the age of 18 years, in the name of the parent or guardian.

§ 150-70 Use of motorcycles.

An off-the-road motorcycle shall not be driven, or the motor allowed to run, on any private or publicly owned property unless the person using the motorcycle has on his person the express written permission of an owner or other person having jurisdiction of the property in advance of its entry onto the property.

§ 150-71 Enforcement.

Any violation of this article shall be subject to a civil monetary fine of \$50. The citation notice shall be issued in the name of the operator, unless the operator is under the age of 18 years, in which case the citation notice shall be issued to the person in whose name the motorcycle is registered. Where the operator is under the age of 18 years and the motorcycle is not registered, the citation notice shall be issued to the parent or guardian of the operator.

Part 2 School Zone Speed Enforcement

[Adopted 10-11-2010 by Ord. No. O-11-02]

Article XIV School Zone Speed Enforcement

§ 150-72 School zone speed monitoring systems authorized.

- A. Terms used in this Part 2 that are defined in Transportation Article, § 21-809, of the Maryland Annotated Code, as amended from time to time, shall have the same meanings in this Part 2.
- B. The City may use a speed monitoring system to monitor and enforce speed limit restrictions, including the issuance of citations, within the school zones designated in Subsection E of this section and in such school zones within the City as may be established by the State Highway Administration on roads under its jurisdiction. The locations in school zones within which speed monitoring systems are used from time to time shall be determined by the City's Chief of Police.
- C. The City shall use speed monitoring systems for the monitoring and enforcement of speed limit restrictions in accordance with the requirements set forth in Transportation Article, § 21-809, of the Maryland Annotated Code, as amended from time to time, and other applicable law.
- D. The driver of a motor vehicle is subject to a civil penalty in the amount of \$40 if the motor vehicle is recorded by a speed monitoring system as being operated in a school zone in excess of the posted speed limit.
- E. The City may contract with a speed monitoring system operator to operate a speed monitoring system in the City in accordance with the requirements set forth in Transportation Article, § 21-809, of the Maryland Annotated Code, as amended from time to time, and other applicable law.

- F. The following school zones are established within the City of Seat Pleasant pursuant to Transportation Article, § 21-803.1, of the Maryland Annotated Code: **[Amended 7-19-2016 by Ord. No. O-17-02]**
- (1) Seat Pleasant Elementary School zone and Central High School zone. The limits of these school zones, and the maximum speed limits within these zones, are as follows:
 - (a) All streets and parts of streets, not under state jurisdiction, that lie within a one-half-mile radius of Seat Pleasant Elementary School and a one-half-mile radius of Central High School within jurisdictional boundaries of the City of Seat Pleasant. The maximum speed limit in these school zones is 30 miles per hour.
 - G. If the City moves or places a mobile or stationary speed monitoring system to or at a location where a speed monitoring system had not previously been moved or placed, the City may not issue a citation for a violation recorded by that speed monitoring system: **[Added 7-19-2016 by Ord. No. O-17-02]**
 - (1) Until signage is installed in accordance with Transportation Article, § 21-809(B)(1)(VII), of the Maryland Annotated Code, as amended from time to time; and
 - (2) For at least the first 15 calendar days after the signage is installed.

§ 150-73 Administrative fees.
[Added 10-11-2010 by Ord. No. O-11-03; amended 9-8-2014 by Ord. No. O-15-01; 2-11-2020 by Ord. No. O-20-09]

The City of Seat Pleasant hereby imposes and may collect the following administrative fees related to the implementation of a program of speed enforcement using speed monitoring systems in school zones within the City of Seat Pleasant:

- A. MVA flagging fee for unpaid citation: \$35.
- B. Returned check fee: \$35 per returned check.
- C. If a speed camera or red-light camera citation has not been paid in 30 days, the fee shall double, and if not paid in 60 days, the fee shall double again for each speed and red-light camera citation.
- D. Any citations for speed or red-light camera that are unpaid after 60 days risk the suspension of their tags.

Part 3 Truck Routes

[Adopted 12-20-2010 by Ord. No. O-11-04]

Article XV Truck Routes

§ 150-74 Truck Routes.

- A. Terms used in this Part 3 that are defined in vehicle laws of the Transportation Article of the Maryland Annotated Code, as amended from time to time, shall have the same meanings in this Part 3. The truck

gross weight limitation is based on the number of axles. The gross vehicle weight (GVW) will be three or fewer axles: 55,000; four axles: 66,000; five or more axles: 80,000.

- B. Except as provided in Subsection C of this section, a person may not operate a truck on any highway or alley within the City of Seat Pleasant that is not designated or maintained as a part or extension of the state or federal highway system.
- C. A person may operate a truck on a highway or alley in the City of Seat Pleasant that is not designated or maintained as a part or extension of the state or federal highway system if the truck is:
 - (1) An emergency vehicle providing emergency service to person or property within the City of Seat Pleasant;
 - (2) Engaged in the repair, construction or maintenance of roads or utilities in the City of Seat Pleasant;
 - (3) Providing trash or refuse collection services to residents or businesses in the City of Seat Pleasant; or
 - (4) Making a pickup, delivery or service call to a resident or business in the City of Seat Pleasant on highways or alleys other than designated truck routes, as long as travel of the truck is restricted to a designated truck route except when making the pickup, delivery or service call. When proceeding to and returning from a pickup, delivery or service call, a truck shall be driven between a truck route and the truck's destination by the most direct route between the truck route and destination.
- D. A person who operates a truck in violation of this section is guilty of a misdemeanor and subject to a fine in the amount of \$100 for the first offense, \$250 for the second offense, and \$500 or up to \$1,000 for the third and each subsequent offense.
- E. The following streets are the designated truck routes within the City of Seat Pleasant:
 - (1) Martin Luther King, Jr., Highway.
 - (2) Central Avenue.
 - (3) Addison Road.
 - (4) Eads Street.
 - (5) 67th Place from Eads Street to 511 67th Place.
- F. The City Administrator shall provide for the erection and maintenance of signs along highways in the City giving notice of the truck travel restrictions and designated truck routes in the City.

Part 4 Collection Fees

[Adopted 4-13-2015 by Ord. No. O-15-06]

Article XVI
Referral for Collection

§ 150-75 **Referral authorized; fee.**
[Amended 9-18-2017 by Ord. No. O-18-01]

Where any fees or fines are assessed or imposed in accordance with this chapter, and where such fees or fines are unpaid and outstanding for 30 or more days, the City, in its sole and absolute discretion and to the extent permitted by law, may refer such debt to a collection agency or an attorney for collection. For all accounts referred to a collection agency or an attorney for collection, such accounts shall be subject to a collection fee not to exceed two times the outstanding debt or the total sum indebted to the City, whichever is greater. The City may alternatively or further elect to file a civil suit against the debtor to recover such outstanding and unpaid fees or fines.

Part 5
Red Light Camera Enforcement

[Adopted 7-19-2016 by Ord. No. O-17-03]

§ 150-76 **Red Light Camera Enforcement Program.**

- A. The use of red light cameras for traffic control is authorized at locations within the City as determined by the Chief of Police. The red light camera locations shall include, but not be limited to, the traffic signals at the intersections of Addison Road and Central Avenue and Addison Road and Martin Luther King, Jr. Highway.
- B. The City may enter into appropriate agreements with duly qualified vendors for the furnishing of labor, equipment and maintenance related to the installation and operation of a Red Light Camera Enforcement Program. The City Administrator is authorized to negotiate with such duly qualified vendors; provided, however, that no agreement for such labor, equipment or maintenance shall be effective until first having been duly approved by the City Council.
- C. The City's Red Light Camera Enforcement Program shall be conducted in compliance with all applicable provisions of Transportation Article, § 21-202.1, of the Maryland Annotated Code, as amended from time to time, and all other applicable laws.
- D. Unless the driver of a motor vehicle recorded by a red light camera in violation of Transportation Article, § 21-202(H), of the Maryland Annotated Code, as amended from time to time, received a citation from a police officer at the time of the violation, the owner or, in accordance with Transportation Article, § 21-202.1(G)(5), of the Maryland Annotated Code, as amended from time to time, shall be guilty of a municipal infraction and subject to a civil penalty of \$100. The City may also collect those administrative fees set forth in § 150-73 related to the implementation of a Red Light Camera Enforcement Program within the City.

Part 6
Traffic Regulations

[A comprehensive revision of the traffic regulations of the City of Seat Pleasant was under review by the City Council at the time of the completion of this volume. Upon approval and adoption by the City

Council, it will be inserted here.]

