

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2022 Legislative Session

Bill No. CB-094-2022

Chapter No. 78

Proposed and Presented by The Chair (by request – County Executive)

Introduced by Council Members are Hawkins, Dernoga, Ivey, Glaros, Medlock, Harrison,
Turner, and Streeter

Co-Sponsors _____

Date of Introduction September 27, 2022

BILL

AN ACT concerning

Parking Fines and Penalties

For the purpose prohibiting habitation in vehicles parked in public right-of-way, restricting eligibility for certain residential parking permits and generally relating to residential parking and commercial trucks.

BY repealing and reenacting with amendments:

SUBTITLE 13. HOUSING AND PROPERTY.

Section 13-1133

SUBTITLE 26. VEHICLES AND TRAFFIC.

**Sections 26-101, 26-123, 26-127.04, 26-141.01 and
26-166**

SUBTITLE 28. - ZONING.

Section 28-110

The Prince George's County Code

(2019 Edition; 2021 Supplement).

BY adding:

SUBTITLE 26. VEHICLES AND TRAFFIC.

Sec. 26-127.05

The Prince George's County Code

(2019 Edition; 2021 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 13-1133, 26-101, 26-123, 26-127.04, 26-141.01 and 28-110 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 13. HOUSING AND PROPERTY STANDARDS

DIVISION 15. ADMINISTRATIVE HEARINGS

SUBDIVISION 1. GENERAL PROVISIONS

Sec. 13-1133. Violations to which subtitle applies.

(a) **In general.** The jurisdiction and authority of the Administrative Hearing Unit extends to each of the provisions of the Prince George's County Code that are specified in subsection (e) of this section, as those provisions may be amended, including any rules and regulations adopted under them. The issuance of an administrative citation does not preclude pursuit of any other remedy or enforcement action authorized by law.

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(e) **Provisions and penalties enumerated.**

(1) In Section 13-101 of the County Code, the County adopted the International Property Maintenance Code, as amended in Subtitle 13 and known as the "Housing Code." An Inspector may issue and an Administrative Hearing Officer may adjudicate administrative citations issued pursuant only to Sections 108, 301, 302, 303, 304, 305, 306, and 404 of the Housing Code, and all of the respective subsections thereunder. The penalty for violation of any of the enumerated sections is \$300.00 per violation. Notwithstanding the foregoing, the penalty for a violation of Section 302.8 of the Housing Code is Five Hundred Dollars (\$500) for the first violation, Seven Hundred Fifty (\$750) for the second violation and One Thousand Dollars (\$1,000) for the third and for any subsequent violations.

SUBTITLE 26. VEHICLES AND TRAFFIC.

DIVISION 1. ADMINISTRATIVE PROVISIONS

Sec. 26-101. Definitions.

(a) For the purposes of this Subtitle, the following words and phrases shall have the meanings respectively ascribed to them hereunder:

* * * * *

(8) Heavy Commercial Truck means trucks [except light commercial vehicles] that have a gross weight of over 10,000 pounds according to the Maryland Motor Vehicle Administration.

(9) Light Commercial Vehicles includes pickups, ~~and~~ panel trucks, and work vans up to and including those of a 3/4-ton capacity and Maryland Motor Vehicle Administration registration restricting vehicles to 10,000 pounds gross vehicle weight.

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DIVISION 8. - PARKING REGULATIONS.

Sec. 26-123. – [Overnight and weekend p] 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 County between the hours of 6:00 p.m. and 6:00 a.m., outside the corporate limits of any municipality.

(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 (2) hour period.

(c) Any vehicle which is parked in violation of this Section shall be subject to being towed or immobilized by the Police Department or the Revenue Authority from such highway or street and impounded [after it has been parked for a twenty-four (24) hour period]. The impoundment of the vehicle shall be done pursuant to Division 18 of this Subtitle.

(d) Any [person] owner issued a citation for a violation of this Section shall be subject to a fine of Five Hundred Dollars (\$500.00) [for each violation] for the first violation, Seven Hundred Fifty (\$750) for the second violation and One Thousand Dollars (\$1,000) for the third and for any subsequent violations.

[(f)] (e) If any municipality in Prince George's County shall adopt this Section as it may be amended from time to time and without modification, and request that the County enforce the provisions hereof within the corporate limits of such municipality, the County shall hereafter administer and enforce the provisions of this Section within such incorporated municipality.

[(g)] (f) For the purpose of determining the penalty under this Section, each day a vehicle

remains in violation shall be considered a separate offense and eligible for a separate citation per day.

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Sec. 26-127.04 - 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.

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(d) Parking. No person shall park a vehicle:

- (1) Within fifty (50) feet of the nearest rail in a railroad grade crossing;
- (2) Unless for the use of handicapped individual, in a space or zone marked as restricted for the use of handicapped individuals;
- (3) At any other place where parking is prohibited by an official sign.

(e) Parking Commercial Vehicles Near Commercial or Industrial Businesses. Where a commercial or an industrial business exists on any street or highway in the County that is across the street or highway from or adjacent to a residential home or development, no person shall park any Heavy Commercial Truck, as defined in Section 26.101, less than 75 feet or 25 yards from the closest residential property line.

(f)(e) Penalty. Any person issued a citation for a violation of this Section shall be subject to a fine of Fifty Dollars (\$50.00) and for curbstoning, a fine of up to One Thousand Dollars (\$1,000) for each offense.

(g)(f) Penalty. Notwithstanding Section 26-127.04(e)(f), any person issued a citation for a violation of this Section pertaining to residential parking shall be subject to a fine of One Hundred Dollars (\$100.00).

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SUBTITLE 26. VEHICLES AND TRAFFIC.

DIVISION 9. – PARKING PERMIT AREAS

Sec. 26-141.01. Parking Permit Areas Designated by Petition.

(a) Definitions. The following definitions are applicable in Section 26-141.01 of the County Code:

- (1) **Authority** means the Prince George's County Revenue Authority or its Executive

Director.

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[(2) **Heavy Commercial Truck** means trucks except light commercial vehicles.]

(2) [3] **Inoperable Vehicle** means a vehicle with 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 Subtitle 13 or Subtitle 27 of the Code.

[(4) **Light Commercial Vehicles** include pickups, panel trucks and work vans up to and including those of a $\frac{3}{4}$ -ton capacity and Maryland Motor Vehicle Administration registration restricting vehicles to 10,000 pounds gross vehicle weight.]

(3) [(5)] **Residential Parking Permit Area** means the designation of the County roads, streets, subdivisions and other areas as residential parking permit area in which the parking of vehicles is restricted during specified times, unless a proper parking permit or other identifiable device is displayed in or on the vehicle or in a digital database that is used to identify vehicles assigned to specific Residential Parking Permit Area.

(4) [(6)] **Parking Permit** means a placard, sticker or other identifiable device or data in a digital database that specifies the vehicle is authorized to park in the Residential Parking Permit Area.

(b) The residents of a proposed parking permit area may petition the Authority to become a Residential Parking Permit Area. For parking permit areas designated by petition the following shall be necessary for the designation of a Residential 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 residential street or area may be considered for parking permit restrictions upon request of the residents affected or upon request of an elected official of the County by submitting a petition.

(3) A petition indicating that at least fifty-one percent (51%) [sixty percent (60%)] of the residential property owners or lease holders in the permit parking area approve the parking permit area is required. A petition, with the required fifty-one percent

(51%) [sixty percent (60%)] of the residential property owner or lease holder signatures, shall be submitted to the Authority. Residential property owners and lease holders shall have three (3) business days to respond to a request from the Revenue Authority to identify the individual who will represent their household in the voting process to accept or decline the Residential Parking Program on their street. If the Revenue Authority does not receive a reply from a residential property owner or lease holder within said three (3) business days, the residential property owner or lease holder shall be excluded from the online voting process.

(c) The parking permit area petition shall include, in addition to subsection (b) (1), (2) and (3):

- (1) The designation of what County roads, streets, subdivisions and other areas are to be designated as a Residential Parking Permit Area.
- (2) That the parking restrictions shall apply at all times except that nonresident parking is allowed for periods of three (3) hours or less between the hours of 7 A.M. and 6 P.M., Monday through Saturday, excluding holidays; however, the petitioners may prescribe other hours and days when the parking restrictions are operative in the petition.

(d) (1) The Authority shall review the petition and evaluate the designation as a Residential Parking Permit Area, including providing referrals to such County departments or agencies as necessary, and to schedule a public hearing, pursuant to this subsection, within ninety (90) days of receipt of the petition.

(2) Before a parking permit area is established by petition or terminated, the Authority or its designee shall cause a public hearing to be held. The hearing shall be held at a location within or reasonably adjacent to the area of the proposed parking permit area and shall be preceded by due public notice published in a County newspaper of record. The public notice shall state the time, place, and purpose of the hearing, the exact description of the area being considered and the time proposed for restrictive parking. In addition to the published notice, the Authority shall mail a similar notice to each household within the parking permit area.

- (3) (i) After the public hearing, the Authority shall approve, deny or modify the

parking permit area within sixty (60) days of the public hearing. The Authority shall specify in writing the grounds for the approval, denial or modification and provide notice to the petition signatories and to the elected official of the County making the request.

(ii) In case of a denial by the Authority, the petition signatories may appeal the decision of the Authority to the Director on such reasonable grounds or by showing a petition indicating that ninety percent (90%) of the property owners or lease holders in the proposed permit parking area approve of the designation.

(4) Following a designation of a Residential Parking Permit Area, the Authority shall cause parking signs to be placed in the area indicating the parking restrictions and the parking permit exceptions.

(5) Three (3) Parking Permits shall be the maximum number of Parking Permits that may be issued for a single residence in a Residential Parking Permit Area.

(e) [After at least twelve months period of operation, the Authority may accept petitions,] A Residential Parking Permit Area may be terminated no less than twelve (12) months after its designation upon petition signed by at least fifty-one percent (51%) [sixty percent (60%)] of the residential property owners or lease holders in the [permit parking area, for the termination of] Residential Parking Permit Area. The Authority shall follow the public hearing and notification procedures in Section 26-141.01(d)(2) before terminating a Residential Parking Permit Area.

(f) (1) The following vehicles are not eligible for parking permits in a residential parking permit area: (i) vehicles with out-of-state license plates, except those registered to a member of the military, a Federal, State, County or other governmental vehicle or student temporarily residing in the Residential Parking Permit Area; (ii) inoperable vehicles; (iii) vehicles lacking current registration or displaying expired registration stickers; [and (iv) heavy commercial trucks; and] (iv) Heavy Commercial Trucks, as defined in Section 26.101, unless the vehicle has an exemption; (v) any vehicle with commercial license plates; (vi) vehicles with historic tags; (vii) vehicles in violation of Section 26-122.01 of the County Code; and (viii) any boat, recreational vehicle, tractor-trailer with or without a cargo carrier, limousine, tow crane or box truck except when actively being used to move personal property.

(2) As provided in Section 26-122 of the County Code, no person shall park or allow to stand any vehicle on any of the public streets or roadways in the County for a period in excess of seventy-two (72) hours.

(3) As provided in Section 26-162 of the County Code, the removal of abandoned and inoperable vehicles is required within forty-eight (48) hours.

(g) The following vehicles are exempt from the provisions of this Section[,]; emergency vehicles, and public utility vehicles, [heavy commercial trucks, light commercial vehicles] Heavy Commercial Trucks or other service vehicles, if they are in the course of conducting work within the designated [residential parking permit area] Residential Parking Permit Area.

(h) Parking permits shall be renewable [renewed] every two years through the Authority. Parking permits shall specify the vehicle and its owner and if any guest permits are authorized. The Authority may limit the number guest permits issued, including for light commercial vehicles.

(i) Parking permit application shall require proof of residency within the designated area and proof of vehicle ownership or other authority to operate the vehicle. Parking permits will not be issued for vehicles where the registration information does not match the name and address of the resident, except as provided in subsection (f)(1)(i) of this section or by Authority rule or regulation.

(j) The Authority shall administer the Residential Parking Permit Areas [residential parking permit areas] by petition, may promulgate such rules and regulations as necessary to carry out the provisions of this Division and is authorized to engage such businesses, consultants and experts to assist in their duties in administering the parking permit areas by petition.

(k) Enforcement of the parking permit areas by petition established by this Division shall be the same as in Section 26-140 of the County Code.

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SUBTITLE 26. VEHICLES AND TRAFFIC.

DIVISION 18. - IMPOUNDMENT.

Sec. 26-166. - Impoundment without prior notice.

(a) 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:

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(9) When the vehicle has five or more outstanding or otherwise unsettled traffic and/or parking violation notices levied against it or for which there have been issued five or more warrants[.]; or

(10) When the vehicle is parked in violation of Section 26-123 of this Code.

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SUBTITLE 28. - CIVIL MONETARY FINES OR PENALTIES.

DIVISION 1. - ZONING VIOLATIONS.

SUBDIVISION 2. - CIVIL VIOLATIONS AND FINES.

Sec. 28-111. - Schedule of civil monetary fines.

(a) The civil monetary fine for each civil violation of the Zoning Ordinance shall be Two Hundred Fifty Dollars (\$250.00), except as provided in Subsections (b), [and] (c) and (d), below.

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(d) For violations of Transportation Uses in the Zoning Ordinance under Section 27-5 Table 27-5101(c) regarding Parking of Commercial Vehicles the following civil monetary fines shall apply:

<u>1st Violation</u>	<u>\$500</u>
<u>2nd violation</u>	<u>\$750</u>
<u>3rd violation and subsequent violations</u>	<u>\$1,000</u>

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SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 26-127.05 of the Prince George's County Code be and is hereby added:

SUBTITLE 26. VEHICLES AND TRAFFIC.

DIVISION 8. - PARKING REGULATIONS.

Sec. 26-127.05. Habitation in vehicles parked in public right-of-way.

(a) Definitions. The following definitions are applicable in this Section 26-127.05 of the County Code:

- (1) **Camper** means a structure designed to be mounted to a motor vehicle and to provide facilities for human habitation or camping purposes.
 - (2) **House car** means a motor vehicle originally designed or permanently or temporarily altered and equipped for human habitation, or to which a camper has been permanently or temporarily attached.
 - (3) **Human habitation** shall mean the use of a vehicle for dwelling.
 - (4) **Evidence of human habitation** shall include activities such as sleeping, food preparation, and/or any other activity where it reasonably appears, in light of all the circumstances, that a person or persons is using the vehicle as a living accommodation. The use of a vehicle for six or more consecutive hours for eating, resting, recreating and/or sleeping shall per se constitute "human habitation" for purposes of this Section.
 - (5) **Recreational vehicle** shall mean a motor home, travel trailer, trailer coach, truck camper, camping trailer or park trailer, and vehicles which are designed for recreational, emergency, or other types of human habitation.
 - (6) This Section refers to any motorized vehicle including, but not limited to, a recreational vehicle or house car.
- (b) It shall be unlawful for any person to use, occupy, or permit the use or occupancy of any automobile, truck, camper, house car, mobile home, recreational vehicle, trailer, trailer coach, or similar equipment for human habitation on any public property, street, avenue, alley, or other public right-of-way within Prince George's County, except in a designated public campground, recreational park, or licensed mobile home park.
- (c) Penalty. Any person issued a citation for a violation of this Section shall be subject to a fine of \$50.

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SECTION 3. BE IT FURTHER ENACTED that the Authority shall undertake a study of the definition of commercial vehicle and the county-wide impact of commercial vehicles in County Residential Parking Permit Areas and Residential Parking Permit Areas by petition. Authority recommendations shall accompany the study which shall be submitted to the County Council eighteen months following the effective date of this Act.

SECTION 4. BE IT FURTHER ENACTED that the provisions of this Act are hereby

declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 24th day of October, 2022.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
Council Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.