




City of Bowie

2614 Kenhill Drive
Bowie, Maryland 20715

Memorandum

To: City Council
From: David J. Deutsch, City Manager 
Date: July 26, 2007
Subject: Ordinance Amending Chapter 14 O-8-07

Chapter 14 of the City Code deals with Motor Vehicles and Traffic. The current City Code does not contain provisions for the newly established Police Department particularly in the area of fire lane and handicap parking infractions on commercial property. Citizen complaints are very high regarding these violations and the only recourse at this time is for officers to issue a citation under State Law, which is a very inefficient means of enforcement. The submitted amendments provide acknowledgement of the Bowie Police Department as an enforcement agency and address other identified enforcement shortfalls. The proposed amendments are summarized below.

- 14-10 the phrase "on any street in the City" is removed and the phrase "On a street or public way" is added to the sections in order to allow enforcement of the handicap and fire lane violations on commercial property
- The Bowie Police Department was added as enforcement agents
- Handicap and Fire Lane violations are designated as separate and distinct offenses whereas they previously fell under a more generic section
- The requirement of right wheels to curb was added. This section is directly in line with both State Law and County Ordinance. The reasoning behind this law is that if you are parked against the flow of traffic, then you must drive on the wrong side of the road to both park and to re-enter the roadway upon leaving. While this may not create as big of a hazard on

smaller side streets, it is an unsafe practice on the majority of the City's roadways. The Police Department recognizes that the general public may be unfamiliar with this requirement and will complete an educational component prior to any enforcement activities. There will be a ninety-day educational period in which warnings and informational flyers will be placed on vehicles that are found in violation. No other enforcement actions would be taken during this time period.

- Abandoned vehicles may be cited on a parking citation as opposed to only as a municipal infraction.
- Establishes a processing fee of \$50 for the release of impounded vehicles. Also requires payment of any outstanding citations prior to release of a vehicle if a judgment has been made by the court or the allotted time for a trial request has elapsed. As a departmental rule, this fee is waived for victims of a crime.
- Establishes the fine of \$100 for parking in front of a fire hydrant, a \$250 fine for fire lane or handicap violations, a \$50 fine for wrong wheels to curb, a \$35 fine for leaving a vehicle on the street for over 72 hours, and a \$100 fine for an abandoned vehicle.

DJD/JN

Attachment

EMERGENCY ORDINANCE
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND,
AMENDING CHAPTER 14, "MOTOR VEHICLES AND TRAFFIC",
ARTICLE III, "STOPPING, STANDING AND PARKING", SECTION 14-10,
"PARKING, ETC., PROHIBITED IN SPECIFIED PLACES", TO ADD
THE CITY POLICE DEPARTMENT AS AN ENFORCEMENT AGENCY IN
SUBSECTIONS (J) AND (K) AND TO ADD NEW SUBSECTION (T)
PROHIBITING PARKING IN SPACES RESERVED FOR DISABLED
INDIVIDUALS WITHOUT A PERMIT AND A NEW SUBSECTION (U)
PROHIBITING PARKING IN DESIGNATED FIRE LANES, AND TO ADD
A NEW SECTION 14-10A REQUIRING VEHICLES TO BE PARKED IN
THE DIRECTION IN WHICH TRAFFIC MOVES IN THE ADJACENT
DRIVING LANE; AND AMENDING SECTION 14-13, "LEAVING
VEHICLE ON STREET, ETC., FOR CONTINUOUS PERIOD LONGER
THAN SEVENTY-TWO HOURS; PENALTY", TO DELETE SUBSECTION
(D), IN ORDER TO PERMIT THE CITY POLICE DEPARTMENT TO
HANDLE ABANDONED VEHICLES AS PARKING OFFENSES, RATHER
THAN AS MUNICIPAL INFRACTIONS; AND AMENDING ARTICLE VI,
"PENALTIES", SECTION 14-25, "PENALTY FOR VIOLATION OF THIS
CHAPTER", TO DELETE THE REFERENCE TO SECTION 14-13(B) IN
SECTION 14-25(A), FOR CONSISTENCY WITH AMENDED SECTION 14-
13, TO ADD PENALTIES FOR VIOLATIONS OF THE NEWLY ADDED
PROVISIONS OF SECTIONS 14-10 AND 14-10A, AND TO REVISE THE
PENALTIES FOR CERTAIN VIOLATIONS.

WHEREAS, pursuant to Md. Code Ann., Article 23A, § 3, the Council of the City of Bowie, Maryland ("the City Council") has the authority to pass such ordinances as it deems necessary to preserve peace and good order, to secure persons from danger and destruction and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, pursuant to Md. Code Ann., Transportation Article, § 25-102, the City Council has the specific authority to regulate the stopping, standing, and parking of vehicles on streets under its jurisdiction; and

WHEREAS, pursuant to this authority, the City of Bowie ("the City") has enacted City Code Chapter 14, "Motor Vehicles", Article III, "Stopping, Standing and Parking", Section 14-10,

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 - [Bolded brackets] : Indicate matter deleted from existing law
 - * * * : Indicate unchanged text omitted herein

“Parking, etc. prohibited in specified places”, and Sections 14-13, “Leaving vehicle on street, etc., for continuous period longer than seventy-two hours; penalty”; and

WHEREAS, further pursuant to this authority, the City has enacted Chapter 14, Article VI, “Penalties”, Section 14-25, “Penalty for Violation of this Chapter”; and

WHEREAS, with the recent implementation of the City Police Department, the City has acquired additional capabilities to enforce parking offenses and, to that end, the City Council deems it to be in the public interest to amend Section 14-10 to add the City’s Police Department as an enforcement agency in subsections (j) and (k) and to add a new subsection (t), prohibiting parking in spaces reserved for disabled individuals without a permit and a new subsection (u), prohibiting parking in designated fire lanes, and a Subsection 14-10A, requiring vehicles parked on City streets to face in the same direction in which adjacent traffic moves; and

WHEREAS, for the same reasons, the City Council deem it to be in the public interest to amend Section 14-13, “Leaving vehicle on street, etc., for continuous period longer than seventy-two hours; penalty”, to delete subsection (d), in order to permit the Bowie Police Department to handle abandoned vehicles as parking offenses, rather than as municipal infractions, and to amend Article VI, “Penalties”, Section 14-25, “Penalty for violation of this chapter”, to be consistent with the aforestated amendment to Section 14-13; and

WHEREAS, it has come to the attention of the City Council that the fines for certain violations of Chapter 14 are substantially lower than in other jurisdictions and inadequate to discourage violations and therefore should be increased; and

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WHEREAS, it is necessary further to amend Section 14-25 to add penalties for the newly-created offenses in Sections 14-10 and 14-10A; and

WHEREAS, the City Council finds that there exists an urgent necessity for the City Police Department to begin enforcement of the provisions contained herein and, to meet this urgent necessity, in accordance with Section 12(c)(ii) of the City Charter, declares, by vote of 2/3 of its members, that this Emergency Ordinance shall take effect immediately upon enactment.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Chapter 14, "Vehicles and Traffic", Chapter 14, "Vehicles and Traffic", Article III, "Stopping, Standing and Parking", Section 14-10, "Parking, etc. prohibited in specified places," be and is hereby amended to read as follows:

Sec. 14-10. Parking, etc., prohibited in specified places.

It shall be unlawful for any person to park or leave standing any vehicle at any time [on any street in the City], if such vehicle or any part thereof is [within any of the following locations]

PARKED:

- (a) ON A STREET OR PUBLIC WAY, Within fifteen (15) feet of a fire hydrant.
- (b) Within a street or alley intersection.
- (c) Within any crosswalk.
- (d) ON A STREET OR PUBLIC WAY, Within thirty (30) feet of the curb line of an intersecting street.

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- (e) ON A STREET OR PUBLIC WAY, Within fifteen (15) feet in either direction from a bus stop sign.
- (f) ON A STREET OR PUBLIC WAY Nearer than three (3) feet to the vehicle parked in front or in the rear thereof.
- (g) On any bridge, viaduct, or approach thereto.
- (h) ON A STREET OR PUBLIC WAY, Within twenty-five (25) feet of, in the direction of the approach to, any "Stop" sign or official marker designating an arterial highway.
- (i) ON A STREET OR PUBLIC WAY Within twenty (20) feet of, in either direction from, any treadle or vehicle operated control of any traffic signal
- (j) For the duration of an emergency, within twenty-five (25) feet of any sign or device posted by the City Manager or his designee or Prince George's County Police Department OR BOWIE POLICE DEPARTMENT indicating that parking is prohibited because of an emergency, unless such sign or device sets forth the area in which parking is prohibited because of an emergency, then, in such case, within the designated area.
- (k) At a location contrary to directions given by any member of the BOWIE POLICE DEPARTMENT OR Prince George's County Police Department or Fire Department to keep clear fire lanes or police lanes, or to facilitate the flow of traffic at or near the scene of a fire, accident or other emergency, provided the prohibition of parking at such a location is made known to the person so parking.

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(l) On any sidewalk or on any grass plot between a clearly defined curb line and the adjacent private property line. This subsection shall not be construed to prohibit the parking of bicycles on a sidewalk in such manner as not to obstruct pedestrian traffic.

(m) Alongside or opposite any street excavation or obstruction when such parking will interfere with traffic.

(n) In front of any barricade or sign that has been placed for the purpose of closing a street.

(o) At a location which will reduce the width of the open roadway to less than eight (8) feet along a street, or will obstruct a clear passageway along the same for fire apparatus or any other vehicle.

(p) ON A STREET OR PUBLIC WAY At a location which obstructs the entrance to any private driveway or the entrance to any building or garage or prevents passage over and upon any private driveway or private vehicle entrance connecting private property with an abutting street.

(q) Other than on a street, upon any private driveway or upon any private property, unless with permission of the person in control thereof or an occupant thereof, under any of the following conditions:

- (1) If such driveway or property is posted to indicate that parking thereon is prohibited; or
- (2) After the person so parking is warned by a person in control of such driveway or occupying such property.

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(r) [Except as otherwise provided in this section, every vehicle stopped or parked upon]

UPON a cul-de-sac, UNLESS SAID VEHICLE shall be stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or edge of the roadway.

(s) On any street or PUBLIC WAY OR on public property where the City has posted signs restricting the parking or standing of vehicles.

(T) IN A PARKING SPACE DESIGNATED AS RESERVED FOR THE DISABLED, UNLESS (1) THE VEHICLE BEARS EITHER A VALID SET OF SPECIAL REGISTRATION LICENSE PLATES OR A VALID SPECIAL DISABILITY PARKING PLACARD, ISSUED BY THE MARYLAND MOTOR VEHICLE ADMINISTRATION PURSUANT TO TITLE 13, SUBTITLE 6, PART II, OF THE TRANSPORTATION ARTICLE OF THE MARYLAND ANNOTATED CODE, AND (2) THE DISABLED PERSON FOR WHOM THE SPECIAL REGISTRATION PLATES AND/OR PARKING PLACARD HAVE BEEN ISSUED IS USING THE VEHICLE.

(U) IN AN AREA DESIGNATED BY SIGNS OR CURB-PAINTING AS A FIRE OR EMERGENCY LANE.

Section 2. BE IT FURTHER ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Chapter 14, "Vehicles and Traffic", Chapter 14, "Vehicles and Traffic", Article III, "Stopping, Standing and Parking", be and is hereby amended to add new Section 14-10A, as follows:

SEC. 14-10A. ADDITIONAL PARKING REGULATIONS.

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(A) MANNER OF PARKING GENERALLY. -- A VEHICLE THAT IS STOPPED OR PARKED ON A TWO-WAY ROADWAY SHALL BE STOPPED OR PARKED PARALLEL TO THE RIGHT HAND CURB OR EDGE OF THE ROADWAY, WITH ITS RIGHT HAND WHEELS WITHIN 12 INCHES OF THAT CURB OR EDGE OF THE ROADWAY.

(B) PARKING ON ONE-WAY ROADWAY. -- A VEHICLE THAT IS STOPPED OR PARKED ON A ONE-WAY ROADWAY SHALL BE STOPPED OR PARKED PARALLEL TO THE CURB OR EDGE OF THE ROADWAY, IN THE DIRECTION OF AUTHORIZED TRAFFIC MOVEMENT, WITH:

(1) ITS RIGHT HAND WHEELS WITHIN 12 INCHES OF THE RIGHT HAND CURB OR EDGE OF THE ROADWAY; OR

(2) ITS LEFT HAND WHEELS WITHIN 12 INCHES OF THE LEFT HAND CURB OR EDGE OF THE ROADWAY.

Section 3. BE IT FURTHER ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Chapter 14, "Vehicles and Traffic", Article III, "Stopping, Standing and Parking", Section 14-13, "Leaving vehicle on street, etc., for continuous period longer than seventy-two hours; penalty," be and is hereby amended to read as follows:

Sec. 14-13. Leaving vehicle on street, etc., for continuous period longer than seventy-two hours; penalty.

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(a) No vehicle shall be left upon any street or public space in the City for a continuous period longer than seventy-two (72) hours without being moved a distance of at least one full vehicle length. If the vehicle is a motor vehicle, vehicle must be moved under its own power.

(b) No abandoned vehicle shall be left upon any City street for any period.

(c) Any vehicle found parked upon any street or public space in the City in violation of this Section may be impounded by the City Manager or his designee after notice to the driver or owner of the vehicle. Such notice shall state that the vehicle is parked in violation of this Section of the Bowie Code and shall state the penalty therefor. The notice shall be attached to the vehicle and shall direct the owner or operator of the vehicle to remove the vehicle within forty-eight (48) hours.

[(d) A violation of subsection (b) of this section shall be a municipal infraction and subject to the penalty set forth in Section 1-6 of this Code.]

Section 4. BE IT FURTHER ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Chapter 14, "Vehicles and Traffic", Article III, "Stopping, Standing and Parking", Section 14-17, "Repossession of impounded vehicle," be and is hereby amended to read as follows:

Sec. 14-17. Repossession of impounded vehicle.

Any vehicle impounded under the provisions of this Chapter may be repossessed by the owner or any other person duly authorized upon the payment to the City Manager or designee of [the charges] A FEE OF FIFTY DOLLARS (\$50.00) for impoundment processing fees AND THE

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PAYMENT OF ANY OUTSTANDING FINES FOR ANY PARKING CITATIONS ISSUED BY THE CITY WITH RESPECT TO THE VEHICLE, PROVIDED THAT JUDGMENT HAS BEEN ENTERED WITH RESPECT TO SUCH CITATIONS BY A COURT OF APPROPRIATE JURISDICTION OR THE TIME FOR THE OWNER TO REQUEST A TRIAL WITH RESPECT TO SUCH CITATIONS HAS EXPIRED.

Section 5. BE IT FURTHER ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Chapter 14, "Vehicles and Traffic", Article VI, "Penalties", Section 14-25, "Penalty for violating this Chapter," be and is hereby amended to read as follows:

Sec. 14-25. Penalty for violation of this Chapter.

(a) If the City Manager or his designee discovers a vehicle parked in violation of any Section of this Chapter except [Section 14-13b and] Section 14-22, he shall:

* * *

(b) THE FINES FOR VIOLATIONS OF THIS CHAPTER SHALL BE AS SET FORTH IN THIS SUBSECTION. ALL FINES SHALL DOUBLE IF NOT PAID WITHIN TEN (10) CALENDAR DAYS AFTER THE CITATION IS ISSUED.

(1) THE FINE FOR A VIOLATION OF SECTION 14-10, SUBSECTION (A) SHALL BE ONE HUNDRED DOLLARS (\$100.00).

(2) THE FINE FOR A VIOLATION OF SECTION 14-10, SUBSECTIONS (T) AND (U) SHALL BE TWO HUNDRED FIFTY DOLLARS (\$250.00).

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- (3) The fine for a violation of Section 14-10A shall be Fifty Dollars (\$50.00).
- (4) The fine for a violation of Section 14-11 and Section 14-18 shall be Fifty Dollars (\$50.00).
- (5) THE FINE FOR A VIOLATION OF SECTION 14-13, SUBSECTION (A) SHALL BE THIRTY-FIVE DOLLARS (\$35.00).
- (6) THE FINE FOR A VIOLATION OF SECTION 14-13, SUBSECTION (B) SHALL BE ONE HUNDRED DOLLARS (\$100.00).
- (7) The fine for a violation of any other sections shall be Twenty-five Dollars (\$25.00).

[All such fines shall double if not paid within ten (10) calendar days after the citation is issued].

Section 6. BE IT FURTHER ORDAINED that this Emergency Ordinance shall become effective immediately upon enactment by the Council of the City of Bowie, Maryland provided that a fair summary of this Emergency Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Council of the City of Bowie, Maryland at a regular meeting on the ___ day of _____, 2007.

PASSED by the Council of the City of Bowie, Maryland at a regular meeting on the ___ day of _____, 2007.

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O-08-07

ATTEST:

THE CITY OF BOWIE, MARYLAND

Pamela A. Fleming
City Clerk

By:

G. Frederick Robinson, Mayor

APPROVED AS TO FORM AND
SUFFICIENCY:

Elissa Levan, City Attorney

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