

Ordinance No.: 19-04
Introduced: March 13, 2019
Adopted: April 24, 2019
Effective Date: May 24, 2019

TOWN OF CHEVY CHASE

SUBJECT: AN ORDINANCE TO AMEND SECTION 15-40 OF THE TOWN CODE TO AUTHORIZE THE ISSUANCE OF A SECOND GUEST PARKING PASS, UPON REQUEST, FOR USE IN PERMIT PARKING AREAS; TO EXTEND THE PERMIT TERM FROM 12 TO 24 MONTHS, OR SUCH OTHER PERIOD AS MAY BE DETERMINED BY THE TOWN MANAGER; AND TO OTHERWISE CLARIFY AND AMEND EXISTING PROVISIONS

WHEREAS, Section 5-202 of the Local Government Article of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the municipality; and

WHEREAS, Section 25-102(a)(1) and Section 21-1003.1 of the Transportation Article of the Maryland Code grant the power to regulate and prohibit the parking of vehicles, including by the issuance of residential parking permits; and

WHEREAS, the Town Public Services Committee has recommended that the Town Council allow a second guest card to be issued, upon request, for use in permit parking areas, as set forth in this ordinance; and

WHEREAS, Section 301(a) of the Charter of the Town of Chevy Chase authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and for such other police or health matters as it may deem necessary; and

WHEREAS, the Town Council introduced the following ordinance in public session assembled on the 13th day of March, 2019; and

WHEREAS, the Town Council held a public hearing on the following ordinance in public session assembled on the 24th day of April, 2019; and

WHEREAS, upon consideration of the recommendation of the Public Services Committee, and the testimony and evidence presented at the public hearing, the Town Council finds that the issuance of as second guest card, upon request, would be appropriate; and

WHEREAS, the Town Council finds that the following ordinance is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town.

NOW, THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance:

SECTION 1. BE IT ORDAINED AND ORDERED, this 24th day of April, 2019, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that the Town Code is amended to read as follows:

Sec. 15-31. - Restricted areas.

* * *

(b) *Criteria for designation.* The decision whether to designate a parking permit area (including the terms and conditions of any such designation) shall take into account, among other things:

(1) The effect on the safety of residents of the area under consideration resulting from intensive use of such area by nonresidents for the parking of vehicles.

(2) The need of the residents of the area to obtain adequate on-street parking adjacent to or close by their places of residence.

(3) The difficulty or inability of residents of the area to secure adequate on-street parking adjacent to or close by their places of residence because of widespread use of the available parking spaces by nonresident, transient motorists. A condition of "difficulty or inability" is deemed to exist when the average number of nonresident vehicles parked in the area, as shown by a survey or vehicle count taken on two (2) separate days, is in excess of twenty-five (25) percent of the number of parking spaces on such streets and the total number of spaces actually occupied by vehicles exceeds seventy-five (75) percent of the number of such spaces.

* * *

(e) *Contiguous streets.* After a street or portion of a street or section has been designated as a permit parking area, any adjacent street, upon a showing that sixty (60) percent or more of the households so desire, and upon completing the requisite survey or vehicle count under subsection (b)(3) hereof that shows a condition of "difficulty or inability" exists, shall, upon petition to the town council, be added to the area designated a parking permit area.

* * *

Sec. 15-34. - Issuance of permit.

Upon the decision of the town council to designate any area for restricted parking, permits shall be issued to the following classes of persons:

(1) Residents of the area in which parking is so restricted for every vehicle owned by those persons.

(2) Persons who make a contribution to the welfare of residents of the town and who are present in a restricted parking area in connection with their duties but only upon a showing of special need as determined by the town manager.

(3) Persons who reside in the town outside the particular area but only upon a showing of special need as determined by the town manager.

* * *

Sec. 15-37. - Expiration and renewal of permits.

Parking permits are valid for a ~~twelve-~~ twenty-four month period, or such other period as may be determined by the town manager, and may be renewed upon expiration provided that the conditions for issuance continue to exist.

* * *

Sec. 15-40. - Guest cards.

The town manager shall issue to each household holding a permit parking sticker, without fee, not more than one (1) guest card, provided however, a second guest card shall be issued without fee upon the request of any resident of a permit parking area. ~~which~~ ~~When~~ When properly conspicuously displayed on the inside left rear window of any or in the front window of a parked vehicle, a guest card entitles such vehicle to park in a permit area in the general vicinity of the residence to which it has been issued. Entities, such as schools or churches, which require a greater number of guest cards, shall be given such allotment of guest cards as the town manager shall deem appropriate. Each such guest card shall be marked with the address of the household or name of the entity to which it has been issued. In addition, upon request to the town manager by any resident of a permit parking area and a showing that

additional guest cards are temporarily required for a social function or other legitimate purpose, the town manager shall issue without fee the required number of guest cards, provided that such cards shall be made valid for one (1) day only. Persons who are bona fide visitors of any residents of the area holding permit parking stickers will be issued a special guest card to be valid for a stated period not to exceed thirty (30) days. Except as otherwise provided in this section, a special guest card shall not be issued to more than three (3) vehicles belonging to persons who are visitors at a residence.

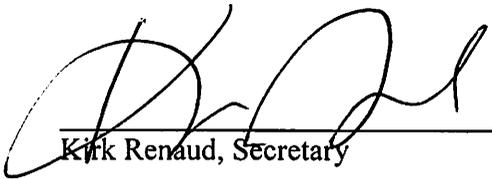
SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this 24th day of April, 2019, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter that, that:

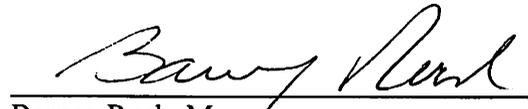
(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the 24th day of May, 2019 (30 days after adoption).

ATTEST:

TOWN OF CHEVY CHASE


Kirk Renaud, Secretary


Barney Rush, Mayor
Town of Chevy Chase

Bold and Underline indicates new material

~~Strike through~~ indicates material deleted

*** indicates material unchanged