

**TOWN OF MANCHESTER
ORDINANCE NO. 196**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF MANCHESTER TO PROVIDE FOR THE CREATION OF SPECIAL RESIDENTIAL PARKING DISTRICTS AND THEIR ADMINISTRATION, TO DESIGNATE SPECIAL RESIDENTIAL PARKING DISTRICT NO. 1, AND TO OTHERWISE PROMOTE THE SAFETY, PEACE, GOOD ORDER, COMFORT, CONVENIENCE, HEALTH AND WELFARE OF THE RESIDENTS OF THE TOWN THROUGH THE AUTHORIZATION OF RESIDENTIAL PERMIT PARKING.

WHEREAS, the health, safety and welfare of many residents are affected adversely by burdens placed on residents by virtue of the existence of major public facilities and programs; and

WHEREAS, the use of streets within residential areas for the parking of vehicles by persons using adjacent governmental, commercial, industrial, and educational facilities and programs results in hazardous traffic conditions, the over burdening of existing streets, roads and other facilities, air and noise pollution, and the inability of residents of certain areas to obtain adequate parking adjacent to or close by their places of residence and to secure ease of access to their places of residence; and

WHEREAS, in order to reduce, to the extent possible, the conditions described in this section and to promote the safety, peace, good order, comfort, convenience, health and welfare of the residents of the Town, the Mayor and Council determine and find that it is essential that the parking permit authorization provided for in this chapter be enacted;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Manchester, that:

ARTICLE 1. That Chapter 96-18 Special Purpose Parking Zones of the Code of the Town of Manchester be repealed in its entirety and replaced as follows:

SECTION 1. To create a new section 96-18 to read as follows:

96-18 **SPECIAL RESIDENTIAL PARKING DISTRICTS**

The Mayor and Council are hereby authorized and empowered to make and adopt such rules and regulations as they may deem proper and necessary for the creation and administration of special residential parking districts.

A. **PURPOSE**

The health, safety and welfare of many residents are affected adversely by burdens placed on residents by virtue of the existence of major public facilities and programs. Frequently, the use of streets within residential areas for the parking of vehicles by persons using adjacent governmental, commercial, industrial and educational facilities and programs results in hazardous traffic conditions, the over burdening of existing streets, roads and other facilities, air

and noise pollution, and the inability of residents of certain areas to obtain adequate parking adjacent to or close by their places of residence and to secure ease of access to their places of residence. In order to reduce, to the extent possible, the conditions described in this section and to promote the safety, peace, good order, comfort, convenience, health and welfare of the residents of the Town, it is essential that the parking permit authorization provided for in this chapter be enacted.

B. PARKING RESTRICTIONS WITHIN DISTRICT.

(1) A residential parking district authorizes a resident of that district, whose vehicle displays a valid residential parking permit for that district, to park all day on the designated streets within that district.

(2) A resident is only eligible for a residential parking permit when the resident's address is located on one of the streets identified to be within a residential parking district.

C. CONSIDERATIONS FOR CREATION, ALTERATION, ELIMINATION.

The creation, alteration or elimination of a residential parking district shall take into account, among other things:

(1) The effect on the safety of residents of the area under consideration from intensive use by nonresidents for 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 available parking spaces in that area by nonresident transient motorists;

(4) The impact of major public facilities and programs on the health, safety and welfare of the residents of the area and any unreasonable burdens placed on those residents in securing adequate on-street parking and gaining access to their places of residence by virtue of such facilities and programs;

(5) The likelihood of alleviating, by the creation, alteration or elimination of a residential parking district, any problem of nonavailability of residential parking spaces;

(6) The desire of the residents in the area for the creation, alteration or elimination of a residential parking district, and the willingness of those residents to bear the administrative costs incidental to the issuance of permits authorized;

(7) The need for some parking spaces to be available in the area under consideration for use by visitors and the general public;

(8) Such other factors as are deemed relevant.

D. PUBLIC HEARING

(1) In order to determine whether a residential parking district should be created, altered or eliminated, the Council shall conduct a public hearing with regard to the proposed determination.

(2) The hearing shall be held only after notice has been published in a newspaper of general circulation. The notice shall state the purpose of the hearing, the exact location and boundaries of the area under consideration and the permit fees.

E. ESTABLISHMENT, ALTERATION OR ELIMINATION BY ORDINANCE – POSTING

Following the public hearing, the Council shall act upon the recommendation to create, alter or eliminate a residential parking district. The action shall be by ordinance. Following the creation or alteration of a residential parking district, signs shall be posted indicating the times, locations and conditions under which parking is limited by permit.

F. PERMIT – APPLICATION

(1) An application for a residential parking district permit shall be made by a resident of a district to any town office designated by the Town Administrator, on forms as are prescribed by the Town Administrator or his/her designee.

(2) The application for a permit shall contain information to verify that the applicant is a bona fide resident of the district for which application has been made and has legal title to or the right to possession of the motor vehicle to be registered. The information shall include, but not be limited to, the following:

- (a) Name and address of owner of motor vehicle;
- (b) Applicant's address;
- (c) The make, model, color, state of registration, and license number of the motor vehicle;
- (d) The principal driver's name, operator's permit number, and state of issuance;
- (e) Applicant's operator's permit number and state of issuance; and
- (f) The motor vehicle registration, operator's permit and any other relevant documents.

(3) A parking permit may not be issued or renewed for any motor vehicle for which one or more citations issued by the Town for parking violations remain unpaid.

(4) The Town Administrator or designee shall issue the parking permit, upon finding that the applicant meets the requirements specified in this chapter. The Town Administrator or his/her designee shall prepare the application form and may require the applicant to provide such additional information as may be necessary to determine eligibility for a parking permit.

G. RESIDENT STATUS

(1) Resident status for purposes of obtaining a resident parking permit for a motor vehicle is established by meeting the criteria of any of the enumerated items:

- (a) Applicant has a current Maryland vehicle registration and current Maryland driver's license with an address in parking district;
- (b) Applicant is owner and occupant of residential property which is in parking district. Ownership can be established by records of Maryland Department of Assessments and Taxation. Occupancy may be demonstrated by current utility bills or some other means acceptable to the Town;
- (c) Applicant is lessee of residential property which is in parking district and licensed as rental unit. Applicant must submit copy of lease. The parking permit expires with date of termination of the lease; or
- (d) Applicant is on active military status and resides in parking district as reflected in documents issued by United States military authorities.

(2) The determination of whether an applicant has established resident status shall be made by the Town Administrator or his/her designee.

H. PERMIT – EXPIRATION

A permit expires and is void when the licensee no longer resides within the district, as defined in this chapter. A licensee shall remove a permit sticker from any vehicle registered to park within the district upon its expiration or upon moving outside of the district. Permits shall be transferred from one vehicle to another during the permit year solely in accordance with regulations governing such transfers.

I. PERMIT – FEE – RENEWAL

(1) The fee for a residential parking permit in special residential parking districts shall be established by resolution of the Council.

(2) The fee shall be payable at the time of the submission of the application for the permit. The permit year shall commence on July 1st and terminate on June 30th. Residential parking permits may be renewed from year to year by qualified residents upon the payment of the annual fee on or before June 30th of each year. Residential parking permits may be renewed via mail by sending the completed and signed application form, copies of all required documents and the renewal fee. The fee shall be prorated based on the number of months that a resident requires the permit from the date of issue to the end of the fiscal year based on the number of months that a resident requires a permit. However, the Town shall not refund any permit issued due to disuse.

J. PERMIT – DISPLAY

The permit shall be affixed to the vehicle as prescribed in the regulations. The design and content of the permit shall be prescribed in the regulations.

K. PERMIT – REPLACEMENT

When a vehicle to which a permit is affixed is sold, transferred, demolished, or in any other manner rendered unusable to the licensee, the licensee shall remove the permit from the vehicle and may request the issuance of a replacement permit. The licensee shall notify the Town Administrator or his/her designee of the change in status of the vehicle. An application for a replacement permit shall be in accordance with the provisions for an application for an original or renewal permit. The replacement permit shall be issued and be valid for the unexpired term of the original permit, except that a replacement permit may not be issued for any motor vehicle for which one or more citations issued by the Town for parking violations remain unpaid. The original permit, upon the issuance of the replacement permit, is void. If evidence of the destruction of the original permit is not presented at the time the application for a replacement permit is made, the application shall be treated as though it is for an original permit.

L. PERMIT – TEMPORARY

The Town Administrator or his/her designee shall issue a multiple-day or single-day temporary residential parking permit for use by a bona fide visitor to or a person having business at a residence within a residential parking district. Multiple-day permits may be purchased by an applicant when needed and shall be used for predetermined dates. Up to ten single-day permits may be purchased per month for undetermined dates; upon usage, the resident

shall validate the single-day permit by entering the date of the day for which the single-day permit is being used. An application for a temporary permit shall be made by a resident of a district on a form as shall be prescribed by the Town Administrator. The fee for a temporary residential parking permit shall be established by resolution of the Council.

M. PERMIT – COMMERCIAL FACILITIES

The Town Administrator or his/her designee shall issue a residential parking permit for use by a bona fide business or commercial enterprise having business in or adjoining a residential parking district upon a demonstrated need for parking vehicles within the district. An application for a commercial permit shall be made by a business owner of a district on a form as shall be prescribed by the Town Administrator. The fee for a such a commercial parking permit shall be established by resolution of the Council.

N. SPECIAL RESIDENTIAL PARKING DISTRICT NO. 1

(1) There is created a special residential parking district No. 1, which is comprised of the full length of Beaver Street (from Main Street to the end of the street) and the full length of Monroe Street (from Beaver Street to the end of the street).

(2) Parking is limited to two hours between the hours of seven a.m. and twelve midnight, Sunday through Saturday, inclusive, unless the vehicle parked within this area displays the special residential parking permit.

O. VIOLATION – PENALTY

The parking of any vehicle or the use of any parking permit in a manner contrary to the residential parking provisions established in this chapter is prohibited, and the same is declared to be unlawful and a misdemeanor. Any person violating the same shall, whether the violation is adjudicated or uncontested, be subject to a fine as established by Section 96-23 of this Chapter. Moreover, upon four violations within one year, a vehicle which is operated by a violator is subject to being towed as otherwise prescribed by law.

ARTICLE 2. Severability.

If any section, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by an court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this chapter, it being the intent of the Town that this Chapter shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion thereof.

ARTICLE 3. Section headings, chapter headings, titles.

Section headings, chapter headings, titles, etc., are for the purpose of description or ease of use and do not form a part of the test of this Ordinance or any Code or test adopted hereby.

ARTICLE 4. Existing Liabilities

This Ordinance shall not discharge, impair, or release any contract, obligation duty, liability or penalty whatever existing on the date of enactment. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action

now existing or offenses already committed against a law or ordinance affected by the adoption of this Ordinance shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Ordinance had not been effective.

ARTICLE 5. Effective Date.

This Ordinance shall take effect on the _____ day of _____, 2009.

Introduced this _____ day of _____, 2009.

Enacted this _____ day of _____, 2009, by a vote of _____ members in favor, _____ opposed and _____ abstentions.

ATTEST:

**Mayor and Town Council of
Manchester, Maryland**

Town Clerk
Mayor

Christopher B. D'Amario (SEAL)

Approved for legal sufficiency:

Town Attorney