EFFECTIVE DATE OF THIS ORDINANCE IS JANUARY 1, 2005

ORDINANCE NO. 04-17-361

Re: Parking Restrictions on County Roads and Rights-of-Way

PREAMBLE

The Board of County Commissioners of Frederick County, Maryland, in order to maintain the safety of its citizens hereby enacts the following ordinance restricting parking of certain vehicles on the public rights-of-way in the County.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREDERICK COUNTY, MARYLAND that new section 1-15-30 is hereby added to the Frederick County Code 2004 to read as follows:

ARTICLE III. PARKING RESTRICTIONS

SEC. 1-15-30. PARKING RESTRICTIONS ON COUNTY ROADS

A. DEFINITIONS: AS USED HEREIN

1) "PARK" MEANS TO HALT A VEHICLE, WHETHER OR NOT IT IS OCCUPIED, OTHER THAN TEMPORARILY: (i) WHEN NECESSARY TO AVOID A CONFLICT WITH OTHER TRAFFIC OR IN COMPLIANCE WITH THE DIRECTIONS OF A POLICE OFFICER OR A TRAFFIC CONTROL DEVICE; OR (ii) FOR THE PURPOSE OF AND WHILE ACTUALLY ENGAGED IN LOADING OR UNLOADING PROPERTY OR PASSENGERS;

2) "RESTRICTED VEHICLE" MEANS: (i) A MOTORIZED VEHICLE WITH A MANUFACTURER'S RATED CAPACITY IN EXCESS OF THREE-

QUARTERS (3/4) OF A TON OR RATED AT OR CAPABLE OF A GROSS VEHICLE WEIGHT OR GROSS VEHICLE COMBINATION WEIGHT OF TEN THOUSAND AND ONE (10,001) POUNDS OR MORE, (ii) A MOTORIZED VEHICLE WITH A MANUFACTURER'S RATED CAPACITY IN EXCESS OF THREE-QUARTERS (3/4) OF A TON; (iii) A TRAILER RATED AT OR CAPABLE OF A GROSS VEHICLE WEIGHT OF TEN THOUSAND AND ONE (10,001) POUNDS OR MORE; OR (iv) A TRAILER WHICH MAY BE USED FOR COMMERCIAL PURPOSES. MOTOR HOMES, RECREATIONAL VEHICLES AND BUSES ARE DEEMED TO BE "RESTRICTED VEHICLES." VEHICLES OWNED BY A PUBLIC UTILITY, THE COUNTY, OR BY ANY OTHER GOVERNMENTAL AGENCY AND USED PRIMARILY FOR CARRYING PROPERTY OR PASSENGERS ARE NOT "RESTRICTED VEHICLES."

3) "TRAILER" MEANS A VEHICLE THAT: (i) HAS NO MOTIVE POWER; AND (ii) IS DESIGNED TO CARRY PEOPLE OR PROPERTY AND TO BE TOWED BY A MOTOR VEHICLE;

4) "VEHICLE" MEANS ANY DEVICE IN, ON, OR BY WHICH ANY INDIVIDUAL OR PROPERTY IS OR MIGHT BE TRANSPORTED OR TOWED ON A HIGHWAY, WITH THE EXCEPTION OF AN ELECTRONIC PERSONAL ASSISTIVE MOBILITY DEVICE AS DEFINED IN §21-101(G-1) OF THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

B. IT SHALL BE UNLAWFUL TO PARK A RESTRICTED VEHICLE ON A PUBLIC RIGHT-OF-WAY.

C. IT SHALL BE UNLAWFUL TO PARK A TRAILER THAT IS DETACHED FROM A MOTOR VEHICLE ON A PUBLIC RIGHT-OF-WAY.

D. IT SHALL BE UNLAWFUL TO PARK ANY VEHICLE FOR MORE THAN FORTY-EIGHT (48) HOURS ON ANY PUBLIC RIGHT-OF-WAY, EXCEPT WHEN THE VEHICLE IS PARKED: (1) ADJACENT TO THE PROPERTY LINES OF THE OWNER'S RESIDENCE OR BUSINESS, AND (2) WHERE PARKING IS NOT OTHERWISE PROHIBITED.

E. THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT ANY VEHICLE FROM PARKING ON A PUBLIC RIGHT-OF-WAY FOR A REASONABLE PERIOD OF TIME NECESSARY TO LOAD OR UNLOAD PROPERTY OR PASSENGERS.

F. ANY PERSON VIOLATING THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE FINED AN AMOUNT NOT EXCEEDING $100 FOR EACH OFFENSE. EACH DAY THAT A VIOLATION OF THIS SECTION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE.

G. ANY LAW ENFORCEMENT AGENCY MAY TOW AND IMPOUND ANY VEHICLE PARKED IN VIOLATION OF THIS SECTION, AND THE OWNER OF THE VEHICLE SHALL BE RESPONSIBLE FOR PAYING ALL TOWING, STORAGE AND OTHER FEES.

The undersigned hereby certifies that this ordinance was approved and adopted on the 21st day of December, 2004.

ATTEST:

Douglas Browning, County Manager

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

By:
John L. Thompson, President

KLM
12/22/04