

ORDINANCE

OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING CHAPTER 110 “FEES AND PENALTIES”, BY REPEALING AND REENACTING §110-1 “FEES AND INTERESTS” AND §110-2, “PENALTIES”; AND CHAPTER 151, “PERMIT PARKING”, BY REPEALING AND REENACTING §151-2, “PETITION REQUIREMENTS”, §151-4 ISSUANCE OF PERMITS AND § 151-6 RETURN OF PARKING PERMITS; REFUND OF PERMIT FEE AND LOSS OF REFUND FOR FAILURE TO RETURN, TO DELETE THE ANNUAL AND BI-ANNUAL PERMIT PARKING FEE IN RESIDENTIAL ZONES

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the City of College Park (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to create parking residential permit zones in the City pursuant to Chapter 151, “Permit Parking” of the City Code; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to eliminate the fee requirement for permit parking in residential zones.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park that Chapter 110 “Fees and Penalties”, §110-1, “Fees and interests”, be and is hereby repealed and reenacted with amendments as follows:

§110-1 Fees and interests.

The following enumerations are the current fees, rates, charges and interests applicable in the City of College Park:

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
[Brackets]	: Indicate matter deleted in amendment

Chapter/Section	Description	Fee/Interest
Chapter 151, Permit Parking		
§151-4		
§151-4	Annual parking permits	
	Issuance, each	\$10
	Replacement, each	\$5
	Renewal, each	\$10
	Visitor	\$1
	Bi-annual parking permits	
	Issuance, each	\$10
	Replacement, each	\$5
	Renewal, each	\$10
	Visitor	\$1

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Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 110 “Fees and Penalties”, §110-2, “Penalties”, be and is hereby repealed and reenacted with amendments as follows:

§ 110-2 Penalties.

Unless otherwise noted herein, the violation of a City ordinance or resolution is a municipal infraction. The following fines and/or imprisonment for violations of various ordinances or resolutions are applicable in the City of College Park:

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[Ch. 151, Permit Parking

~~§ 151-6~~ Failure to return parking permit ~~Loss of refund]~~

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Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 151, “Permit Parking” §151-2, “Petition requirements”, be and is hereby repealed and reenacted with amendments as follows:

§151-2 Petition requirements

A. The petition must clearly state:

(1) Why permit parking is considered necessary.

(2) The limits of the desired permit parking area.

(3) The desired days and times that permit parking would be in force.

~~[(4) That the parking permits may carry a charge that will reimburse the city for all or part of the costs of the necessary materials and the administration of the program.]~~

B. – C. * * * * *

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 151, “Permit Parking” §151-4, “Issuance of permits”, be and is hereby repealed and reenacted with amendments as follows:

§151-4 Issuance of Permits

A. If permit parking is ordered by the City Council, the city staff will prepare a plan for the issuance of parking permits for the specific area; such plan, subject to approval by resolution of the Mayor and Council, will include, among other things, the number of permits to be distributed and the method of permit allocation. The city staff will then order an appropriate number of permits, which will be issued upon ~~[payment of a fee as set forth in Chapter 110, Fees and Penalties, for each permit]~~ APPLICATION AS REQUIRED. Among other factors to be considered in devising a permit parking plan and permit allocation for a given area are the number of legitimate on-street parking spaces available; the amount of off-street parking available for the various types of residential structures; the residential or commercial character of certain blocks or parts thereof; the proximity of Metro and MARC stations and other public use facilities to the area and the likely impact of such facilities on parking in the area; the anticipated time period of parking congestion; and population density and vehicle density of the area. In devising the plan, input may be sought from neighborhood/community civic organizations or groups and University of Maryland fraternity and/or sorority councils, as well as other members of the community and city.

B. FOR SO LONG AS PHYSICAL PERMITS ARE ISSUED, Replacement permits may be issued ~~[as set forth in Chapter 110, Fees and Penalties,]~~ upon satisfactory proof of loss or damage.

C. FOR SO LONG AS PHYSICAL PERMITS ARE ISSUED, Permits will be placed inside of each vehicle so as to be clearly visible through the windshield.

D. Permits will be valid for that period of time authorized by the City Council and must be renewed [~~upon payment as set forth in Chapter 110, Fees and Penalties,~~] ANNUALLY OR BI-ANNUALLY, AS APPROPRIATE, or such other amount as set by Council. Permits in Zone 6 shall also be offered on a voluntary basis for any persons who prefer a permit valid for six months, which may also be renewed as set out herein.

E. Permits will be valid only in the area for which they are issued.

F. Any permit parking plan implemented prior to the time of passage of Ordinance 93-O-5 shall remain in effect until revised or rescinded in accordance with this section.

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 151, "Permit Parking" §151-6, "Return of parking permits; refund of permit fee and loss of refund for failure to return", be and is hereby repealed and reenacted with amendments as follows:

~~§ 151-6 [Return of parking permits; refund of permit fee and loss of refund for failure to return].~~ NOTICE OF ACTION WITHDRAWING PERMIT PARKING.

Upon action by the City Council withdrawing permit parking in a designated area, written notice of such action shall be sent to each holder of a parking permit in that area~~], and the permit parking fee shall be refunded to each holder by mail].~~ If the City Council further determines that, because of the special circumstances of the given area, it is necessary to obtain the return of the parking permits in the designated area where permit parking is being withdrawn, the written notice to each holder shall also request the prompt return of the parking permit. Failure to return said permit to the city's offices within 20 days of the date of such written request shall constitute a violation of this chapter, subjecting the violator to loss of refund of the permit parking fee].

Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City

newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

Section 7. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that annual and bi-annual permits currently in effect shall be extended for the period of one year without additional permit fee required.

The public hearing, hereby set for 7:30 P.M. on the 9th day of June, 2020, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on June 30, 2020 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a special session on the 26th day of May, 2020.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 9th day of June 2020.

EFFECTIVE the 30th day of June, 2020.

ATTEST:

CITY OF COLLEGE PARK

By: Janeen S. Miller
Janeen S. Miller, CMC, City Clerk

By: Patrick L. Wojahn
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson
Suellen M. Ferguson, City Attorney