

ORDINANCE NO. 2023-14

Town of Rising Sun
Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, AMENDING AND ADDING LANGUAGE TO CHAPTER 4, TITLED TRAFFIC, VEHICLES AND TRANSPORTATION OF THE CODE OF ORDINANCES OF THE TOWN OF RISING SUN, FOR THE PURPOSE OF REGULATING THE PARKING OF VEHICLES AND CONSTRUCTION EQUIPMENT AND THE PLACEMENT OF CONSTRUCTION DUMPSTERS TO ENSURE THE PASSAGE OF VEHICLES, REFUSE COLLECTION AND EMERGENCY VEHICLES, AND TO REPEAL ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

WHEREAS the Town, located in Cecil County, Maryland is a municipality organized under the provisions of the Maryland Constitution and governed under the provisions of the Local Government Article of the Annotated Code of Maryland; and

WHEREAS the Town is proclaimed as a perpetual entity with the right to pass laws; and

WHEREAS, the Code of Ordinances of the Town, contains Chapter 4, titled TRAFFIC, VEHICLES AND TRANSPORTATION, which establishes the general guidelines associated with the proper flow and movement of vehicles upon the town streets, and the parking of such vehicles on any public streets and or municipal lots within the town; and

WHEREAS the Town has identified numerous instances where the parking of vehicles, construction equipment or dumpsters on public streets has interfered with the collection of trash and recyclables, but more importantly the proper and timely access and placement of emergency vehicles during police, fire or emergency medical calls for service.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Town Commissioners of the Town of Rising Sun, Cecil County, Maryland, and it is hereby enacted and ordained by its authority that Chapter 4 of the Town Code shall be modified as follows:

SECTION 1

The attached document titled Chapter 4 Traffic Vehicles and Transportation, Article 1 Parking Regulations, shall be modified to reflect the changes intended with this ordinance with such changes indicated by new language to be highlighted in red with a single underline and deleted text indicated by a single strike through line.

SECTION 2

All ordinances or parts thereof inconsistent herewith are repealed, rescinded, canceled, and annulled.

SECTION 3.

Should any provision, section, paragraph, or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable for a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph, or subparagraph hereof, including any code text adopted hereby. The Town of Rising Sun hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable. Each such provision, section, paragraph, or subparagraph is expressly declared to be and is deemed severable.

SECTION 4.

That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 5.

If passed and adopted, the Rising Sun Town Clerk is hereby ordered and directed this ordinance to be published in a newspaper in general circulation.

SECTION 6.

BE IT FURTHER ENACTED that this Ordinance is being considered for adoption as an emergency ordinance as provided for by code and if adopted shall become effective immediately.

SECTION 7.

NOW THEREFORE BE IT RESOLVED that this ordinance was introduced on this 10th Day of October 2023.

SECTION 8.

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor and Commissioners of the Town of Rising Sun passed, approved, and adopted this ordinance on this 10th day of October 2023.

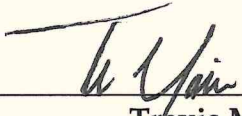
AYES: (4) Commissioner Braun, Commissioner Kleiner, Commissioner Pierson and Commissioner Warnick

NAYES: (0)

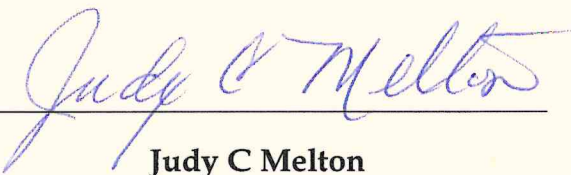
ABSTAIN: (0)

MOTION PASSED

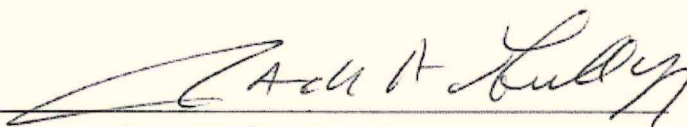
THE MAYOR AND COMMISSIONERS OF
THE TOWN OF RISING SUN

BY: 
Travis Marion, Mayor

ATTEST:


Judy C Melton
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS 7th DAY OF OCTOBER 2023

BY: 
Jack A. Gullo, Jr., - Town Attorney

CHAPTER 4
TRAFFIC VEHICLES AND TRANSPORTATION

ARTICLE 1. PARKING REGULATIONS

Section 4-101.

Definitions

Fire Access Road / Lane and Staging Area.

A road, lane or staging area developed to allow access and operational setup for firefighting, fire rescue or emergency medical services equipment and as further detailed and described in the Maryland State Fire Prevention Code.

Highway.

The word "highway" shall mean the same thing as street.

Operator.

The word "operator" shall mean every individual who shall operate a vehicle.

Park or Parking.

The words "park or parking" shall mean the standing of a vehicle, whether occupied or not, upon a street other than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise.

Parking Meter.

The words "parking meter" shall mean any mechanical device or meter, not inconsistent with this ordinance, placed or erected for the regulation of parking by authority of this ordinance. Each parking meter installed shall indicate by proper legend the legal parking time established by the city and when operated shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.

Parking Meter Space.

The words "parking meter space" shall mean any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters.

Parking Meter Zone.

The words "parking meter zone" shall mean any restricted street or lot upon which parking meters are installed and in operation.

Street.

The word "street" shall mean any public street, avenue, road, alley, highway, lane, path, or other public place located in the Town and established for the use of vehicles.

Vehicle.

The word "vehicle" shall mean any device in, upon, or by which any person or property is or may be transported upon a street, except a device which is operated upon rails or tracks.

Section 4-102

Scope

The provisions of this Chapter are intended to be in addition to and supplementary to the provisions of State Law governing vehicles and traffic.

Section 4-103.

Powers of the Board of Commissioners to Regulate Traffic Control Devices and Signs

Whenever, in the judgement of the Commissioners, it becomes appropriate or necessary for the public good, safety and convenience to control or regulate vehicular or pedestrian traffic and parking areas, the Board may direct the Commissioner of public Safety to erect or cause to be erected any traffic control devices, "Stop," "No Parking," "Speed Limit," "One Way" and other traffic control or restrictive parking signs, or both, or other devices designed to control, regulate, warn or guide traffic or limit or prohibit parking on public streets, highways, alleys and ways, or any other areas of private property which are used by the public for vehicular traffic. It shall be the duty of all pedestrians and motorists to observe and obey all such traffic device or sign, shall, and any person failing to observe and obey any such traffic device or sign, shall upon conviction thereof be guilty of a misdemeanor, and to be subject to the penalty provisions of this Code and Chapter.

Section 4-104.

Stopping, Standing or Parking of Vehicles Prohibited in Specified Places

- (1) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device in any of the following places:
 - (a) On an existing sidewalk.
 - (b) In front of a public driveway; in front of a private driveway, except with the consent of the owner or occupant of the premises.
 - (c) Within an intersection.
 - (d) Within fifteen (15) feet of a fire hydrant.
 - (e) On a crosswalk, or within twenty (20) feet of a crosswalk at an intersection except for the purpose of receiving or discharging passengers or merchandise.
 - (f) Within thirty (30) feet of any flashing signal, stop sign, or traffic control signal located at the side of a roadway.

- (g) Alongside or opposite any highway excavation or obstruction if to do so would obstruct traffic.
 - (h) On the roadside of any other vehicle that is stopped or parked at the edge or curb of a highway.
 - (i) At any place where stopping, standing or parking is prohibited by a traffic control device or sign.
 - (j) In designated areas on days set for street sweeping when notification has been given by signs, newspaper advertisements, handbills or other means of notifying the vehicle owner of the pending street sweeping.
- (2) No person shall stop, stand or park a vehicle designed or use for carrying freight or merchandise, on any public highway, except when actually loading or unloading merchandise, or when the operator or owner of such vehicle is actually engaged in rendering a service at or to such premises.
- (3) It shall be unlawful for any person to stand or park any truck, tractor, tractor-trailer, car carrier or other motor vehicle with a load capacity greater than one ton on any street within the Town, except in areas designated by signs as areas to be used for the purposes of loading and unloading.
- (4) No person shall stop, stand or park a vehicle on a street or fire access road in a manner that interferes with the free movement and passage of traffic, refuse collection or emergency vehicles, to include parking parallel to a vehicle, construction equipment, dumpster or other object on the opposite side of the road in a manner that reduces the passageway between the two parked vehicles, equipment, dumpster or object to less than 10 feet.
- (5) A vehicle parked along a street shall have the front of the vehicle pointed in the direction of the authorized flow of traffic; and
- (a) A vehicle 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) 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 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.
- (6) The overnight (unattended) parking of construction equipment, or the placement of construction dumpsters, shall:

- (a) Shall not be parked or placed within a fire access lane; or
- (b) Shall not be parked or placed in a manner that interferes with the free movement and passage of traffic, refuse collection or emergency vehicles; and
- (c) Shall comply with section 4-104 (5) above

Section 4-105. Parking: Maximum Time Permitted

No person shall park or leave unattended any motor vehicle upon any street, parking lot or other land owned by the town for a period exceeding 72 hours.

Section 4-106. Parking: Violations; Procedure

- (1) In all cases of violations of parking regulations contained in this Chapter, the officer who discovers the vehicle illegally parked shall deliver a citation to the vehicle in a conspicuous place. In the absence of the operator, the registered owner of the vehicle shall be presumed to be the person receiving the citation. A copy of the citation shall be retained by the officer and shall bear his certification, under penalty of perjury, attesting to the truth of the matter therein set forth. The recipient of the citation may make payment, the amount of such payment to be set from time to time by resolution by the Board of Commissioners, for the violation directly to the Town Clerk-Treasurer, or if he desires to stand trial for said offense may elect to do so by notifying the Town Clerk-Treasurer of his intention to stand trial, at least 10 days prior to the payment date set forth in the citation. At the time the notice of intention to stand trial is given, the person receiving the citation must also notify the Town Clerk-Treasurer that he desires the presence at said trial of the officer who issued the citation. If the person receiving the citation does not notify the Town Clerk-Treasurer that he desires the presence of the officer at the trial, it shall not be necessary that the officer appear and the copy of the citation bearing the certification of the officer shall be prima facie evidence of the matters therein set forth.
- (2) Whenever the Town Clerk-Treasurer receives notice that any person receiving a citation desires to stand trial, the original citation shall be forwarded immediately to the Clerk, Traffic Division, District Court of Maryland for Cecil County, and the Clerk-Treasurer shall notify the Motor Vehicle Administration promptly of same.

Section 4-107. Impounding of Vehicles Parked in Violation

- (1) A police officer shall have the authority and discretion to impound and remove any vehicle, construction equipment or dumpster found to be parked

in violation of this Chapter, if such vehicle construction equipment, or dumpster poses a danger or threat to public safety; or by its location is interfering with vehicular or pedestrian movement; or has received multiple consecutive citations; and or has one or more citations that have gone unpaid, or are overdue. Such vehicle shall be impounded for storage in a facility approved by the Town Commissioners. The owner may lawfully claim any impounded vehicle upon payment of all outstanding violations. The owner or operator of the impounded vehicle must obtain a certificate of release from the Police Department. The vehicle owner or operator shall be responsible for all costs of having the vehicle removed and stored under this subsection.

- (2) A notice shall be sent to the last registered owner of the vehicle, within 7 days from the time of removal of any vehicle under authority granted by this section. The notice shall designate the location from which the vehicle was removed, the time in which it was removed, the reason for its removal, code sections violated, and the storage facility in which it was impounded. Such notice shall be deemed to be properly served if a copy thereof is:
 1. Delivered personally; or
 2. Sent by certified or first-class mail addressed to the last known address.
- (3) Whenever any motor vehicle or part thereof is in the custody of the Police Department and the owner or person entitled to the possession thereof cannot be located and fails to claim such motor vehicle or part of it, within 3 weeks after notice is given, it may be disposed of by the Police Commissioner at public sale, at some place which shall be convenient and accessible to the public, at any time between the hours of 10:00 a.m. and 6:00 p.m.; provided, that an advertisement of the time, place and terms of the sale, together with a full, detailed description of such motor vehicle or part of it shall be inserted

in at least one newspaper of general circulation in the County at least once each week for two consecutive weeks prior to the sale; provided further, that a notice by registered or certified mail shall be sent at least ten days prior to the sale to the owner and lien holder, if any, shown on the records of the Motor Vehicle Administration entitled to the possession of such motor vehicle, or part thereof, if his address be known, or if it can be ascertained by the exercise of reasonable diligence. If such address cannot be ascertained, then such notice shall not be required.

Section 4-108. Unregistered Vehicles; Parking Prohibited

It shall be unlawful to park, store, or leave any vehicle, the certificate of title, registration card, or registration plate which has expired, been revoked, cancelled or suspended, or for the owner of any such vehicle to allow, permit, or suffer the same to be parked, stored, or left, whether attended or not, upon any public street, highway, alley, or public or private parking lot within the corporate limits of the Town of RisingSun.

Section 4-109. Direction and Location of Parked Vehicles

It shall be unlawful to drive or park a vehicle other than on the right-hand side of a street or highway unless otherwise designated by a sign to be for one-way traffic. In all cases, the vehicle shall be parked ~~with the front of the vehicle facing the proper flow of traffic unless otherwise designated by sign.~~ in compliance with this chapter.

Section 4-110. Parking in Designated Spaces

It shall be unlawful to park any vehicle across any line or marking designating a parking space, or to park any vehicle in a way as to not be wholly within such designated space or to park so as to block the use of two such designated spaces whether designated by markings or by parking meters.

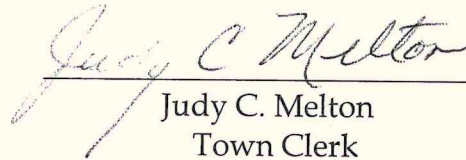
STATE OF MARYLAND)
COUNTY OF CECIL)
TOWN OF RISING SUN)

SS:

CERTIFICATE

I, Judy C Melton, Town Clerk for the Town of Rising Sun, Maryland, do hereby certify that the above and foregoing Ordinance is a true, perfect and complete copy of the Resolution adopted by the Mayor and Commissioners of the Town of Rising Sun, Maryland, and is identical to the original thereof appearing in the official records of the Town of Rising Sun, Maryland and the same has not, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the Town of Rising Sun as of this 11th day of October 2023.


Judy C. Melton
Town Clerk