

CODE OF ORDINANCES FOR THE VILLAGE OF NORTH CHEVY CHASE

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CHAPTER 6 VEHICLES AND TRAFFIC

Article 1. General Provisions

Section 6-101. Purpose

Section 6-102. Definitions

Section 6-101. Purpose

This Chapter provides procedures for regulating traffic and parking so as to preserve peace and good order in the Village of North Chevy Chase and protect the health and safety of its citizens.

Section 6-102. Definitions

As used in this or other Chapters of these Ordinances, the following words and phrases shall have the following meaning:

- A. "Abutting Roadway" means that part of the roadway between the extension of the property lines of the abutting private property and on the same side of the street (except that, where parking is prohibited there, the roadway on the opposite side of the street shall also be included.)
- B. "Commercial Vehicle" means any vehicle and any trailer or semitrailer designed and used for carrying freight or merchandise – including roof racks for carrying equipment - and every vehicle, trailer or semitrailer used in any way in the furtherance of any commercial enterprise, including the presence of markings on a vehicle intending to advertise a commercial enterprise. Such term does not include any vehicle owned by the County or other governmental agency.
- C. "Crosswalk" means
 - a. Any portion of a roadway indicated for pedestrian crossing by painted lines or other markings on the roadway surface.
 - b. That portion of a roadway included within the projection of the lateral lines of sidewalks at intersections.
- D. "Driver" or "Operator" means any person who is in actual control, or charged with the control, of a vehicle.
- E. "Driveway" means every way or place in private ownership used for vehicular travel.
- F. "Fire Lane" means that area of a *public* or private roadway or parking facility designated by official signs or markings and intended for the exclusive use of emergency vehicles.

- G. "Immobilize" means to take a vehicle into the custody of the County or Village by restricting or otherwise impeding the movement of such vehicle from its parking place by means of a mechanical device and so holding it until all charges involving that vehicle are fully satisfied.
- H. "Impound" means to take a vehicle or other property into the custody of the County by seizing it and removing it to a place of storage and there holding it until all charges involving that vehicle or property are fully satisfied.
- I. "Intersection" means the area embraced within the projection of the lateral curb lines or, lacking same, the lateral boundary lines of the roadways of two (2) streets that join approximately at right angles.
- J. "Junk Vehicle": Any vehicle which meets any of the following conditions: (i) is in an abandoned condition; (ii) is in such a rusted, wrecked, dismantled, partly dismantled or deteriorated or decayed condition so as not to be lawfully operable on public roads.; (iii) is in such a rusted, wrecked, dismantled, partly dismantled or deteriorated or decayed condition, whether or not it is operable, so as to constitute a breeding ground for rats, mosquitoes or other vermin or insects.
- K. "Off-Street Parking" means the parking of vehicles in designated areas, whether public or private, and not upon a public street.
- L. "Officer" means any police officer or other person appointed by any jurisdiction and authorized to direct or regulate traffic or parking or to make arrests for violations of any provisions of law including other traffic and parking laws and Ordinances.
- M. "Official Sign" means a sign posted by authority of the Village Council, County, or State for the purposes of guiding, warning, regulating, limiting or otherwise controlling the movement, stopping, standing or parking of vehicles upon the streets within the Village or upon any public or private parking facility.
- N. "Official Traffic Control Devices" means all signs, signals, markings or other devices placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic or parking.
- O. "On-Street Parking" means the parking of vehicles on a public street.
- P. "One-Way Street" means a public street upon which vehicular traffic is permitted to move in one direction only. (b) "Park or Parking" means the stopping of a vehicle, even if occupied or attended, on a public street or public parking facility, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

- Q. "Posted Time Limit" means the allowable time a vehicle may remain parked where limited by official signs.
- R. "Stand" or "Standing" means the temporary stopping of an occupied or attended vehicle for the purpose of, and while actually engaged in, receiving or discharging passengers or merchandise.
- S. "Stop" or "Stopping" means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.
- T. "Traffic" means all vehicles, pedestrians, animals and any other conveyance using a street for purposes of travel.
- U. "Trailer" means any cart, wagon or other object designed to be pulled by any motorized vehicle.
- V. "Unregistered Vehicle" means any vehicle or trailer, except those exempt from registration by State law, that is without current registration plates, or with fictitious registration plates attached thereto, or otherwise not registered in compliance with State or County law.
- W. "Vehicle" means any device in, on, or by which any individual or property is or might be transported or towed, including but not limited to automobiles, motorcycles, motorbikes, motor propelled carts and wagons, other vehicles propelled by an internal combustion engine or other source of power, or trailers.

Article 2. Traffic Control

Section 6-201. Authority to Erect Traffic Signs and Devices

Section 6-202. Operation of Vehicle in Violation of Official Sign

Section 6-203. Parking in Violation of Official Sign

Section 6-204. Driving Over Curbs, Sidewalks or Drainage Structures

Section 6-205. Restrictions During Snow Emergencies

Section 6-206. Emergency Vehicles

Section 6-201. Authority to Erect Traffic Signs and Devices

Whenever, in the judgment of the Village Council it is deemed appropriate or necessary for the public good, safety, or convenience to control or regulate vehicular or pedestrian traffic or parking, the Council is authorized to provide by resolution for the erection of traffic control and parking restriction signs and devices designed to control and regulate traffic and parking on Village streets. The

Village may either erect said signs and devices itself or may request the County Executive or the Executive's designee to erect, or authorize the erection of said signs and devices in accordance with the Council's resolution. All said signs and devices shall conform to the manual and specifications of the State Highway Administration.

A) Speed Hump Installation: With respect to speed humps, the Council will consider a speed hump for a particular street if a minimum of two (2) property owners householders from different properties request speed hump(s), provided they have not applied for the same location within the previous three (3) years. The Village Manager will engage a Traffic Engineer holding a Professional Engineer certification in the State of Maryland to evaluate the street segment(s) to identify and recommend appropriate locations, if any, for the potential speed hump(s).

1) Per best practices, speed humps may not be installed within 150 feet of an intersection or STOP sign, near a curve or a hill that obstructs a driver's view of a hump or pedestrians from less than 200 feet, on slopes having grades exceeding eight percent, or wherever they would abut or obstruct driveways, fire hydrants, storm grates, or water valves.

2) If the Traffic Engineer determines that there is a feasible location for speed humps, the Village will commission a traffic study, no less than a week in duration, to determine traffic volume and speed at the location of the requested hump(s). The street segment in question must generally meet either of the following criteria to qualify for the installation of the speed hump; however, the Council may approve installation of a speed hump that does not meet these requirements if they find significant mitigating factors in support of the request:

a) A minimum of 120 vehicles per day exceeding 30 mph, or

b) A minimum of 20 vehicles exceeding 30 mph during any hour of the day.

3) The results of the traffic study will be available to the public and will be incorporated into a questionnaire, to be sent to all households along the proposed street segment. The questionnaire will explain the costs and procedures for installing and removing humps. The questionnaire, to be returned to the Village Manager within one month, must be signed and completed by no more than one property owner per household and include his or her telephone number, home address and if possible an email address. The questionnaire will ask property owners to indicate approval or disapproval of hump installations or to indicate abstention from expressing a view. At least 75 percent of the property

owners must express support for humps for the application to proceed. A refusal to sign the questionnaire is counted as disapproval. If in spite of reasonable efforts, the staff cannot reach property owners, that household will not be included in the calculation of household percentage approving or disapproving. The Village will also send advisory notices of a speed hump application to Montgomery County Fire and Rescue services, and to all householders on those streets whose additional blocks are County owned (3600 block Dundee, 3600/3700 block Husted, 3600 block Inverness, 3600 block Kenilworth, and 3600 block Stewart). Their responses, if any, are informative and nonbinding but may be considered by the Village Council in approving or rejecting an application.

4) The Village Council will schedule a public hearing on the application during a regular monthly Council meeting within 60 days of receipt of the questionnaires. Following the public hearing, the Village Council will make a final decision as to the installation of the speed hump(s). The Town will notify residents residing in the street segment of the Council's decision.

B) Speed Hump Removal: The process for removing a speed hump shall follow the same procedure as outlined within Section 6-201 (A) above.

Section 6-202. Operation of Vehicle in Violation of Official Sign

No vehicle shall be operated in violation of any official sign or other traffic control or restriction duly authorized by the Village Council pursuant to this Chapter.

Section 6-203. Parking in Violation of Official Sign

No vehicle shall be parked in violation of any official sign regulating the parking of vehicles. Both the owner and the operator thereof shall be subject to any penalties provided in this Chapter for such violation.

Section 6-204. Driving Over Curbs, Sidewalks or Drainage Structures

It shall be unlawful for any person to drive any vehicle on or over any curb, traffic diverters, sidewalk or drainage structure except in emergencies.

Section 6-205. Restrictions During Snow Emergencies

In order to facilitate removal of snow from Village streets, the Village Council by resolution may restrict parking on, and the use of, Village streets during periods of snow accumulation. Any snow emergency route signs erected pursuant to this section shall be visually distinguishable from signs posted by Montgomery County

snow emergency routes and shall indicate that they are posted *by* the authority of the Village of North Chevy Chase.

Section 6-206. Emergency Vehicles

Unless otherwise specifically stated and so indicated on the appropriate sign or device, none of the traffic or parking restrictions adopted pursuant to this Chapter shall be applicable to any authorized emergency vehicle while on an emergency run.

Article 3. Stopping, Standing and Parking

Section 6-301. Vehicle Parking

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Section 6-305. Junk Vehicles

Section 6-306. Parking of Trailers, Boats and Recreational Vehicles

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Section 6-309. Permit Parking

Section 6-310. Unregistered Vehicles on Private Property

Section 6-311. Enforcement

Section 6-301. Vehicle Parking

It shall be unlawful for anyone to park a vehicle on a Village street in a way that would impede the free flow of traffic, including emergency vehicles, or obstruct visibility at an intersection or street corner.

Section 6-302. Parking of Commercial Vehicles

- A. It shall be unlawful to park any commercial vehicle on any Village street, roadway, right-of-way, or driveway except when such vehicle is otherwise legally parked and the owner or operator is actively engaged in work on a nearby residence in the Village. This section shall not apply to:
- a. A vehicle involuntarily parked because of mechanical failure or other emergency, provided such vehicle is removed within a reasonable period of time; or
 - b. A single commercial vehicle, owned and used by a Village resident, except a bus or tow truck, with a gross vehicle weight of no more than

10,000 pounds and a manufacturer's rated capacity of no more than one ton; is not more than 21 feet long (including any object loaded onto the vehicle); and is not more than eight feet high (including racks, but not antennas). In the event that more than one commercial vehicle is registered as owned by the property owner at a single residential address in the Village, the property owner shall select only one commercial vehicle to be parked in accordance with the requirements set forth above, and may not park any other commercial vehicle registered by that property owner on any Village street, roadway, right-of-way or driveway.

- B. It shall be unlawful to park any tow truck or bus on any Village street, roadway, right-of-way or any private driveway in the Village except when such vehicle is otherwise legally parked, and the owner or operator is actively engaged in loading or unloading.

Section 6-303. Parking Over 24 Hours

It shall be unlawful for any person not a resident or a guest of a resident to park a vehicle on the streets of the Village for a period longer than twenty-four (24) continuous hours.

Section 6-304. Repair and Storage of Vehicles

- A. It shall be unlawful to service, repair or store vehicles for the purpose of performing services or repairs on vehicles on a street, right of way, private driveway, or other private property within the Village.
 - a. Except that such service, repair and storage is permitted on private property if otherwise permitted by law and if performed behind the front building restriction line.
- B. This section shall not apply to emergency service or repair; resident vehicle owners performing minor service on their respective vehicles otherwise legally parked and operative; or the accommodation for the immediate transfer, exchange or removal of a vehicle to or from a garage, repair **shop, service** or parking facility.
 - a. Examples of minor repairs are - tune-up; oil/filter change (provided no public space is polluted or damaged); fixing a flat tire; replacing a battery, lights/bulbs, brakes; rotation of tires; flushing radiator system.

Section 6-305. Junk Vehicles

It shall be unlawful to park or maintain a junk vehicle within the Village unless housed or stored in a completely enclosed building or unless otherwise authorized by this Article.

Section 6-306. Parking of Trailers, Boats and Recreational Vehicles

It shall be unlawful to park any trailer, recreational vehicle, motor home, or boat on any Village street, roadway, right-of-way, or on that portion of any driveway between the house line and the front lot line, except

- A. For a period of up to forty-eight (48) hours, for the purpose of loading or unloading such vehicle;
- B. For a period of up to one (1) week, in the case of a non-resident visitor with the permission of the property owner; or
- C. For a period not to exceed two (2) weeks, in the case of a nonresident visitor with the permission of the property owner and if a temporary parking permit has been issued by the Council.

Section 6-307. Obstructing Entrances to Driveways

It shall be unlawful to park a vehicle on a public street of the Village in such a manner that any part of the vehicle overlaps or obstructs the entrance to any public or private driveway without the consent of the lot owner.

Section 6-308. Parking of Unregistered Vehicles

It shall be unlawful to park on the streets, roads and public property within the Village, any motor vehicle or trailer which is without registration plates, with expired registration plates, or with fictitious registration plates attached thereto.

Section 6-309. Permit Parking

- A. The Council may consider the institution of a parking permit system in a given area
 - a. Upon petition of at least eighty (80) percent of the households of a specific area requesting that such area be established as a parking permit area, or
 - b. Upon its own motion.
- B. Prior to the designation of a particular area as a parking permit area or prior to the withdrawal of such designation once it has been established, the Council shall conduct a public hearing at which time any interested persons shall be entitled to appear and be heard. Such hearing shall be held only after notice

thereof has been published in an Official Village communication.

- C. The Village Council may by resolution establish additional Ordinances or procedures to implement the provisions of this section, including, but not limited to procedures for the issuance of appropriate parking permits and the collection of fees therefore, and for the posting of appropriate official signs.

Section 6-310. Unregistered Vehicles on Private Property

It shall be unlawful for any person to park or store an unregistered vehicle on private property for more than thirty (30) days unless:

- A. The vehicle is completely shielded from the view of individuals on adjoining property or public space - for example, by a 6-foot^[L]_[SEP] solid wood fence or dense evergreen hedge - and is stored within the building set back lines of the property; or
- B. A permit has been issued by the Village Council to allow such storage for a longer period of time. A permit issued under this section may be issued for a period of one year and may be renewed. A fee of twenty-five dollars (\$25.00) shall be paid for each year or part of a year for which a permit is issued.

Section 6-311. Enforcement

The provisions of this chapter consistent with Montgomery County law shall be enforced by any duly authorized officer, as defined herein, in accordance with the provision of Maryland Transportation Annotated Code, Section 26-201 and Chapter 31 of the Montgomery County Code. Provisions of this chapter that are more stringent than Montgomery County law may, at the sole discretion of the Village, be enforced by the Village and its agents.