



Legislation Details (With Text)

File #: O-37-17 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 7/5/2017 **In control:** City Council

On agenda: 10/23/2017 **Final action:** 10/23/2017

Title: Parking Places and Parking Lots - For the purpose of repealing in its entirety AMENDING Chapter 12.28 concerning registration of parking places and parking lots; and matters generally relating to parking places and parking lots.

Sponsors: Michael J. Pantelides, Joe Budge

Indexes: Public Safety Committee, Transportation Board, Transportation Committee

Code sections:

Attachments: 1. O-37-17 Parking Places and Lots.pdf, 2. O-37-17 Staff Report.pdf, 3. O-37-17 Fiscal Impact.pdf, 4. O-37-17 and R-24-17 Transportation Bd Findings.pdf, 5. O-37-17 Budge Proposed Amendments.pdf, 6. O-37-17 with Budge Proposed Amendments.pdf, 7. O-37-17 and R-33-17 TB Findings.pdf, 8. O-37-17 SIGNED.pdf

Date	Ver.	Action By	Action	Result
10/23/2017	1	City Council	adopt on second reader	Pass
10/23/2017	1	City Council	amendment(s) approved	Pass
10/23/2017	1	City Council	amended	Pass
10/23/2017	1	City Council	adopt on third reader	Pass
10/16/2017	1	Public Safety Committee	recommend with amendments	Pass
9/20/2017	1	Transportation Committee	recommend with amendments	Pass
9/14/2017	1	Public Safety Committee	postpone	Pass
7/31/2017	1	City Council	declare the public hearing closed	
7/10/2017	1	City Council	refer	
7/10/2017	1	City Council	refer	
7/10/2017	1	City Council	refer	
7/10/2017	1	City Council	adopt on first reader	Pass

Parking Places and Parking Lots - For the purpose of repealing in its entirety AMENDING Chapter 12.28 concerning registration of parking places and parking lots; and matters generally relating to parking places and parking lots.

CITY COUNCIL OF THE City of Annapolis

Ordinance 37-17

Introduced by: Mayor Pantelides and Alderman Budge

Referred to

Public Safety Committee
Transportation Committee
Transportation Board

AN ORDINANCE concerning

Parking Places and Parking Lots

FOR the purpose of ~~repealing in its entirety~~ AMENDING Chapter 12.28 concerning registration of parking places and parking lots; and matters generally relating to parking places and parking lots.

BY repealing the following portions of the Code of the City of Annapolis, 2016 Edition

12.28.020
12.28.030
12.28.040
12.28.060
12.28.070
12.28.080
12.28.090
12.28.100
12.28.110
12.28.120
12.28.130
12.28.140
12.28.150

BY repealing and reenacting the following portions of the Code of the City of Annapolis, 2016 Edition

12.28.010
12.28.050

BY adding the following portions to the Code of the City of Annapolis, 2016 Edition

12.28.160
12.28.170

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

TITLE 12 - VEHICLES AND TRAFFIC

Chapter 12.28 - PARKING PLACES AND PARKING LOTS

Article I - Generally

12.28.010 - Definitions.

For the purpose of this chapter, the following words or terms shall have the meanings indicated:

- A. "Parking place" means any PRIVATELY OWNED garage or other building or part of a building, or any PRIVATELY OWNED premises, plot, piece or parcel of land in or upon which a business of storing more than ~~ten~~ THREE motor vehicles in a twenty-four-hour period is conducted for ~~eight~~ TWO

months or more in any calendar year, where the owner or person storing a vehicle is charged a fee, but excluding rental of private garages and the all-night storing of vehicles upon the premises of and in connection with the operation of regularly established gasoline stations.

- B. "Receiving station" means any garage or a parking lot which is guarded by an attendant at all times, to which cars may be removed, under regulations set forth in this chapter, when not called for by the owner before the hour of closing of a parking lot or before the hour at which the parking lot becomes unattended.
- ~~C.~~ "Sign" or "signs" means a durable and legible sign, the lettering of which shall be not less than five ONE inches in height and which shall be THAT IS erected in a conspicuous place. In outdoor parking places signs shall be not less than eight feet above the sidewalk level or more than twelve feet above the sidewalk level, and shall not bear any advertising or other matter than the substance required by this chapter.

~~12.28.020 – Registration-Required.~~

No person shall erect or maintain any building or part of a building on any plot or parcel of land known as a parking lot or parking space for a charged fee until an annual certificate of registration is issued by the City Clerk, on authority and approval of the Director of Public Works, in compliance with the regulations set forth in this chapter.

~~12.28.030 – Registration-Form.~~

The Director of Public Works shall provide forms for registration as required by this article upon which the registrant shall supply the following information:

- A. The name and address of the registrant, and if a partnership, the names and addresses of all partners, and if a corporation, the name, date and state under which incorporated and the names and addresses of the officers and the statutory agent; and if the registrant is a nonresident of the City, the name and address of an agent residing in the City upon whom service can be made under the provisions of this chapter or of summons or other process issued by a court;
- B. The location and size of the parking place and whether the premises are owned or leased by the registrant;
- C. The hours during which motor vehicles may be stored and the hours during which the premises will be guarded by an attendant;
- D. Other information as the director deems pertinent or necessary to carry into effect the provisions of this chapter.

~~12.28.040 – Registration-Certificate.~~

- A. Upon the filing of the required form with the City Clerk and upon the payment of a fee as established by resolution of the City Council, a certificate of registration shall be issued, which applies only to the premises described in the application. A certificate expires on the thirtieth day of April each year. A subsequent application and registration shall be required for any additional premises used for parking motor vehicles. A certificate of registration is not assignable or transferable. The director shall notify the Chief of Police and the authorized agent of each certificate of registration issued.
- B. No certificate shall be issued prior to certification by the Planning and Zoning Director that a zoning certificate of use is in force for the premises.

12.28.050 - Information sign.

A. Every person operating a parking place shall erect at each entrance to the parking place a sign bearing the following information:

- A1. The rate by day or hour and whether or not there is a difference in rates on certain days or times of day;
- B2. The name, TELEPHONE NUMBER and business address of the operator of the parking place, together with the number of the operator's license or permit;

C. ~~In case of an outdoor parking lot, the sign shall disclose what, if any, hours during the day the parking lot will be unguarded by an attendant and, if the operator of the lot provides a receiving station for cars left during unguarded hours, the sign shall indicate the address of the receiving station.~~

B. EVERY PERSON OPERATING A PARKING PLACE THAT IS GATED OR WHO IMMOBILIZES VEHICLES OR WHO PREVENTS VEHICLES FROM LEAVING THE PARKING PLACE IN ANY OTHER WAY FOLLOWING UNPAID OR UNAUTHORIZED PARKING SHALL ERECT ONE OR MORE SIGNS THAT:

1. DESCRIBE THE METHOD OF VEHICLE RETENTION AT THE PARKING PLACE;
2. PROVIDE THE TELEPHONE NUMBER OF A PERSON WHO CAN BE CONTACTED TO ARRANGE FOR THE VEHICLE'S RELEASE;
3. STATE THE MAXIMUM AMOUNT THAT THE OWNER OF THE VEHICLE MAY BE CHARGED FOR ITS RELEASE; AND
4. PROVIDE AT LEAST 1 SIGN FOR EVERY 7,500 SQUARE FEET OF PARKING PLACE.

~~12.28.060 – Claim checks.~~

A. ~~At the time of accepting a motor vehicle for storage or parking in a parking place, the person operating the place or the operator's agent, servant or employee shall furnish to the person parking a motor vehicle a distinctive check which shall be numbered to correspond to a coupon, in a form approved by the Director of Public Works, placed upon the motor vehicle.~~

B. ~~The requirement set out in Subsection A of this section as to claim checks shall not apply where cars are stored on a weekly or monthly fee basis or a memorandum in writing is given to the person storing a car stating the weekly or monthly arrangement and showing the name and address of the operator of the storage or parking place.~~

~~12.28.070 – Fence Entrance and exit.~~

~~Persons operating open parking places shall keep the spaces enclosed with a proper or suitable fence, wall or other barrier, so that motor vehicles cannot be removed except at the regularly established entrances and exits. Unless otherwise permitted by the Director of Public Works, each place shall have one common entrance and one common exit, which may be combined at the discretion of the director.~~

~~12.28.080 – Maintenance.~~

A. ~~Each operator of a parking place shall keep the sidewalk surrounding the parking place free from dirt, ice, sleet and snow and shall keep the sidewalk and driveways in a safe condition for the travel of pedestrians.~~

B. ~~In outdoor parking lots the operator shall keep the lot in good order and condition and free from nuisance,~~

and if the lot is not hard-surfaced shall take the necessary precautions to prevent the raising of dust and dirt by the movement of cars.

12.28.090 – After-hours removal from City or authorized agent attendant lot.

It is unlawful for the owner or operator of a motor vehicle to remove the vehicle from a City or authorized agent attendant parking lot after the hour of closing without making payment of the parking charges up to the hour of closing. At the hour of closing, the attendant at the lot shall attach to any vehicle left on the lot an envelope upon which is stated the charges due for the vehicle and advising the owner or operator to deposit the amount of the charges in the envelope, designating a repository for the envelope and specifying that failure to do so will result in a summons being issued for violation of this section. The attendant shall make a list of the license tag numbers of these vehicles and the amount of the charges due. If the fee is not received within forty-eight hours, the Police Department and the authorized agent shall be notified of the violation.

Editor's note- Ord. No. O-16-16, § I, adopted May 9, 2016, changed the title of § 12.28.090 from "After-hours removal from City attendant lot" to read as herein set out.

Article II – Parking Lots Incident to Other Business

12.28.100 – Permit-Required-Plans.

No person shall conduct, operate or maintain a parking lot or parking station for the parking of motor vehicles incident to another business without first obtaining a permit from the City Clerk. No permit shall be granted until there also is filed with the City Clerk a plat or drawing of the parking lot or parking station, approved by the Director of Public Works, showing the location, size, capacity, location and size of driveways, kind of floor or ground surface, location, size and construction of attendant's station, wall or railway or sidewalk surrounding the parking lot or parking station and all other details which the director may require. The plans shall be submitted in duplicate, one copy to be retained by the director and the other copy, if approved, to be submitted to the City Clerk. Temporary parking stations or parking lots shall be exempt from the provisions of Article I of this chapter.

12.28.110 – Permit-Facilities requirements.

Prior to approval of applications for and the issuance of permits as required by Section 12.28.090, the Director of Public Works shall ensure that the following conditions are met:

- A. **Wall or Handrail on Street Side.** Parking stations and parking lots shall be provided with an attractive wall or handrail at least along the street side to limit points of ingress and egress, to prevent encroachment of parked vehicles upon any sidewalk and to improve the general appearance.
- B. **Driveways.** Driveways shall not exceed twenty-six feet in width where they cross the sidewalk. Adjacent driveways shall be separated by an island at least six feet in width and driveways shall be at least twenty-five feet from the curbline of any intersecting street.
- C. **Location and Construction of Attendant Stations.** Attendant stations shall be located far enough from the entrance to prevent congestion at the sidewalk as much as possible and shall be constructed to avoid detracting from the appearance of the surrounding neighborhood.
- D. **Paving or Treating Ground Surface.** Ground surfaces shall be paved or adequately treated to keep dust, dirt and mud at a minimum.
- E. **Lighting.** Stations to be operated during the hours of darkness shall be provided with not less than two-tenths lumens of light per square foot measured on the pavement surface.
- F. **Prevention of Encroachment on Adjoining Sidewalks.** The capacity and arrangement of parking facilities shall not necessitate the backing of cars onto adjoining public sidewalks, parkways;

~~roadways or thoroughfares in conducting parking and unparking operations.~~

~~12.28.120 – Permit Appeal from denial.~~

~~A person aggrieved by the action of the Director of Public Works with regard to an application may appeal to the Board of Appeals within ten days after the action by the Director of Public Works.~~

~~12.28.130 – Where permitted Vacant lot improvements.~~

- ~~A. The use of a vacant lot for the parking of motor vehicles for the use of patrons of a particular business, provision, building or industry and limited to those patrons, without direct compensation, shall be in accordance with the zoning title of this code. The lot shall be graded and graveled or paved, except a width of ten feet facing or bounding on any public street not already having sidewalks from the curb or edge of the street shall be maintained as a public sidewalk, along any street that the lot or parking station bounds, and any sign placed on the lot or station shall direct attention only to the privilege of parking.~~
- ~~B. Notwithstanding the provisions of Section 12.28.130(A) or any provision of the zoning title to the contrary, the City Council may by resolution, authorize the commercial use of an accessory parking lot or garage for a period of not more than one hundred twenty days.~~

~~12.28.140 – Construction and fire code compliance.~~

~~No license or permit shall be issued under this article until the operator or owner of the parking lot has complied with all the regulations of Title 17 of this code and written approvals have been obtained from the Director of Public Works and Fire Chief.~~

~~12.28.150 – License fee.~~

~~The City Clerk shall collect an annual fee as established by resolution of the City Council for a license for conducting a parking lot or parking station incident to another business. The license shall expire on the thirtieth day of April each year.~~

12.28.160 - PARKING OPERATOR RESPONSE.

EVERY PERSON OPERATING A PARKING PLACE THAT IS GATED OR WHO IMMOBILIZES VEHICLES OR WHO PREVENTS VEHICLES FROM LEAVING THE PARKING PLACE IN ANY OTHER WAY FOLLOWING UNPAID OR UNAUTHORIZED PARKING SHALL:

- A. MAINTAIN AN ATTENDANT AT THE PARKING PLACE WHO IS AUTHORIZED TO RELEASE THE VEHICLE IMMEDIATELY UPON PAYMENT OF POSTED FEES; OR
- B. MAINTAIN A TELEPHONE NUMBER THAT IS ANSWERED BY A HUMAN OPERATOR SEVEN DAYS PER WEEK AND 24 HOURS PER DAY AND DISPATCHES A REPRESENTATIVE TO COLLECT FEES, IF APPLICABLE, AND TO RELEASE VEHICLES WITHIN ONE HOUR OF RECEIVING A CALL.

12.28.170 PARKING PLACE VIOLATION

A PERSON WHO VIOLATES THIS CHAPTER IS GUILTY OF A MISDEMEANOR AND SUBJECT TO A FINE AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect from the date of its passage.

EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.