

Town of Chevy Chase Emergency Ordinance
7200 Block of Oakridge Avenue Inclement Weather Exception Ordinance

Resolution No. 09-01
Introduced: February 11, 2009
Adopted: February 11, 2009
Effective Date: February 11, 2009

WHEREAS, Article 23A, Section 2(a) of the Maryland Code, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, Section 301(a) of the Charter of the Town of Chevy Chase authorizes the Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and for such other police or health matters as it may deem necessary; and

WHEREAS, in order to facilitate plowing and sanding operations during a snowstorm or icy conditions, or the threat thereof, Section 15-17 of the Town Code requires that in the event of such conditions, vehicles shall park on the even-numbered side of streets within the Town, unless parking is specifically prohibited on such side of the street; and

WHEREAS, the Town Council finds that residents of a portion of the 7200 block of Oakridge Avenue, by long-standing custom, park their vehicles along the odd-numbered side of the street to improve public safety by maintaining clear sight lines near a sharp curve located between Curtis Road and Leland Street; and

WHEREAS, permitting parking on the odd-numbered side of the 7200 block of Oakridge Avenue from and including numbers 7201 through 7213 would result in an open lane of traffic clear of vehicles and passable by snow plows and sanding trucks, and the residents of the aforementioned block have requested that they not be required to move their vehicles to the even-numbered side of the street during a snowstorm or icy conditions, or the threat thereof; and

WHEREAS, the Town Council finds that permitting parking on the odd-

numbered side of the 7200 block of Oakridge Avenue from and including numbers 7201 through 7213 during inclement weather would improve public safety; and

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and its visitors; and

WHEREAS, the Town is presently experiencing persistent winter weather conditions, including snow and ice, for which Section 15-17 of the Town Code requires vehicles within the Town to be parked along the even-numbered side of Town streets, including the aforesaid portion of the 7200 block of Oakridge Avenue; and

WHEREAS, the Town Charter requirement that no ordinance shall be passed until 6 days after the meeting at which it is originally introduced and the Town Charter provision that an ordinance becomes effective 30 calendar days following its passage would prevent this ordinance from taking effect during the current winter season; and

WHEREAS, the Town Council introduced the following ordinance in public session on the 11th day of February, 2009; and

WHEREAS, the Town Council considered the following ordinance in public session assembled on the 11th day of February, 2009; and

WHEREAS, the Town Council finds that it is necessary to adopt this ordinance as an emergency ordinance so that it will become effective immediately and that the provisions of Section 209 of the Town Charter, providing that no ordinance may be passed until 6 days after the meeting at which it is originally introduced and that an ordinance becomes effective at the expiration of 30 calendar days following its passage, will not apply.

NOW, THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance:

AN EMERGENCY ORDINANCE TO AMEND CHAPTER 15 OF THE TOWN OF CHEVY CHASE MUNICIPAL CODE TO PROVIDE AN EXCEPTION FOR THE 7200 BLOCK OF OAKRIDGE AVENUE FROM AND INCLUDING NUMBERS 7201 THROUGH 7213 FROM THE REQUIREMENT THAT VEHICLES PARK ON THE EVEN-NUMBERED SIDE OF STREETS IN ORDER TO FACILITATE THE TOWN'S PLOWING AND SANDING OPERATIONS.

SECTION 1. BE IT ORDAINED AND ORDERED, this 11th day of February, 2009, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code and the Town Charter, that Section 15-17 of the Town Code is hereby amended to read as follows:

Sec. 15-17. Prohibited parking generally; violations.

It shall be unlawful for any person to park any vehicle on any grass area between the curb and/or gutter and sidewalk, or to park on any sidewalk. In the event of a snowstorm or icy road conditions, or threat of snow or icy conditions, either day or night, and in the absence of contrary instructions from the town council, or its authorized agent, vehicles shall be parked on the ~~even-house~~ numbered side of streets, **except that vehicles shall be parked on the odd-numbered side of the 7200 block of Oakridge Avenue from and including 7201 to 7213,** in order to facilitate plowing and sanding operations. Violation of this section shall be punishable by a fine as established by the town council. Vehicles parked in violation of this section may be taken into possession by the town manager or designee and towed to some proper storage place and held until the fine and the towing and storage charges incurred shall have been paid.

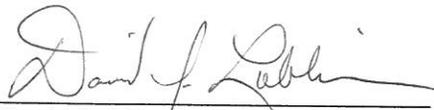
(Code 1964, § 9; **Res. No. 09-01, § 1, 2-11-09**)

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this 11th day of February, 2009, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code and the Town Charter, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

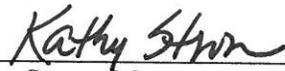
(2) This ordinance is adopted as an emergency ordinance and shall become effective immediately upon its passage.

ATTEST:



David Lublin, Secretary

TOWN OF CHEVY CHASE



Kathy Strom, Mayor
Town of Chevy Chase

Bold and Underline indicates new material
~~Bold and Strikethrough~~ indicates material deleted
* * * indicates material unchanged