

Ordinance No.: 07-07
Introduced: September 11, 2007
Adopted: October 10, 2007
Effective Date: November 10, 2007

TOWN OF CHEVY CHASE

SUBJECT: AN ORDINANCE TO AMEND CHAPTER 15 OF THE TOWN OF CHEVY CHASE MUNICIPAL CODE TO AUTHORIZE THE TOWN COUNCIL TO REGULATE TRAFFIC AND PARKING BY RESOLUTION

WHEREAS, Section 2(a) of Article 23A 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;

WHEREAS, Section 25-102 of the Transportation Article of the Maryland Code grants to the legislative body of every local authority in Maryland, including the Town of Chevy Chase, general power to regulate traffic by means of traffic control devices, to designate roadways as one-way highways, and to adopt such other traffic regulations as are allowed by law;

WHEREAS, Section 25-109 of the Transportation Article of the Maryland Code grants to the legislative body of every local authority in Maryland, including the Town of Chevy Chase, as to highways under its jurisdiction, general power to designate through highways and place stop signs or yield signs at specified entrances to them, and designate any intersection as a stop intersection or as a yield intersection and place stop signs or yield signs at one or more entrances to the intersection;

WHEREAS, Section 25-106 of the Transportation Article of the Maryland Code authorizes every local authority in Maryland, including the Town of Chevy Chase, to place and maintain those traffic control devices that the local authority considers necessary to carry out the provisions of the Maryland Vehicle Law or local traffic ordinances or to regulate, warn, or guide traffic;

WHEREAS, Section 26-301 of the Transportation Article of the Maryland Code grants to the legislative body of every political subdivision in Maryland, including the Town of Chevy Chase, general power to regulate the parking of vehicles;

WHEREAS, Section 21-1004 of the Transportation Article of the Maryland Code authorizes every local authority in Maryland, including the Town of Chevy Chase, to place signs that prohibit or restrict the stopping, standing, or parking of vehicles on any highway in its

jurisdiction where to stop, stand, or park would endanger those using the highway, or interfere unduly with the free movement of traffic on the highway;

WHEREAS, Section 21-803 of the Transportation Article of the Maryland Code grants to the legislative body of every local authority in Maryland, including the Town of Chevy Chase, general power to alter the speed limits specified in the Transportation Article, if, on the basis of an engineering and traffic investigation, the local authority determines that any maximum speed limit specified therein is greater or less than reasonable or safe under existing conditions on any part of a roadway in its jurisdiction;

WHEREAS, Section 301(a) of the Charter of the Town of Chevy Chase authorizes the Town 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;

WHEREAS, the Town Council finds that the regulation of vehicular and pedestrian traffic and parking by resolution is necessary to promote pedestrian and traffic safety, to advise motorists of the proper use of roadways, to protect the public from hazardous conditions, and to accomplish other purposes in furtherance of the public health, safety, and welfare;

WHEREAS, the Town Council introduced the following ordinance in public session assembled on the 11th day of September, 2007;

WHEREAS, the Town Council considered the following ordinance in public session assembled on the 10th day of October, 2007; and

WHEREAS, the Town Council finds that an ordinance authorizing the Town Council to provide for the regulation of vehicular and pedestrian traffic and parking by resolution 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.

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

AN ORDINANCE TO AMEND CHAPTER 15 OF THE TOWN
OF CHEVY CHASE MUNICIPAL CODE TO AUTHORIZE
THE TOWN COUNCIL TO REGULATE TRAFFIC AND
PARKING BY RESOLUTION

SECTION 1. BE IT ORDAINED AND ORDERED, this 10th day of October 2007, 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, the Transportation Article of the Maryland Code, and the Town Charter, that Chapter 15 of the Town Code is hereby amended to add a new Section 15-19 and a new Section 15-20 to Article II to read as follows:

Sec. 15-19. Regulation of parking by resolution.

Whenever the Town Council determines that it is reasonable or necessary to regulate parking, it may provide by resolution for the regulation of parking on public streets or other areas in the Town.

Sec. 15-20. Authority of Town Manager to erect parking signs.

Whenever the Town Council adopts a resolution in accordance with Section 15-19, the Town Manager is authorized to provide for the erection of appropriate signs in accordance with the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways"; provided that, no such sign shall be erected on State highways without the approval of the State Highway Administration.

SECTION 2. BE IT ORDAINED AND ORDERED, this 10th day of October, 2007, 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, the Transportation Article of the Maryland Code, and the Town Charter, that Chapter 15 of the Town Code is hereby amended to add a new Article III to read as follows:

ARTICLE III. VEHICLES AND TRAFFIC

Division 1. TRAFFIC CONTROL GENERALLY

Sec. 15-61. Regulation of vehicular and pedestrian traffic by resolution.

Whenever the Town Council determines that it is reasonable or necessary to regulate vehicular or pedestrian traffic, it may provide by resolution for the regulation of vehicular and pedestrian traffic on public streets or other areas in the Town.

Sec. 15-62. Authority of Town Manager to erect traffic signs.

Whenever the Town Council adopts a resolution in accordance with Section 15-61, the Town Manager is authorized to provide for the erection of appropriate traffic control signs in accordance with the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways"; provided that, no such sign shall be erected on State highways without the approval of the State Highway Administration.

SECTION 3. AND BE IT FURTHER ORDAINED AND ORDERED, this 10th day of October, 2007, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the

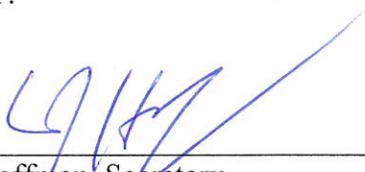
authority granted to it by Article 23A of the Maryland Code, the Transportation Article of the Maryland Code, and the Town Charter, that:

(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 shall take effect on the 10th day of November, 2007.

ATTEST:

TOWN OF CHEVY CHASE


✓

Lance Hoffman, Secretary



Linna Barnes, Mayor
Town of Chevy Chase

Bold and Underline indicates new material
[] indicates material deleted
* * * indicates material unchanged