

MEMORANDUM

TO: County Council

FROM: Robert H. Drummer, Legislative Attorney 

SUBJECT: **Public Hearing/Action:** Expedited Bill 28-09, Motor Vehicles and Traffic – Parking Regulations – Recreational Vehicles

Expedited Bill 28-09, Motor Vehicles and Traffic – Parking Regulations – Recreational Vehicles, sponsored by Councilmember Knapp, was introduced on June 23, 2009. Bill 28-09 is scheduled for both a public hearing and action on June 30.

Bill 27-08, Motor Vehicles and Traffic – Parking Regulations – Recreational Vehicles, and Buses, was enacted by the Council on January 27, 2009 and signed into law by the Executive on February 9, 2009. Bill 27-08, effective on July 1, 2009, restricted parking of recreational vehicles on any public roadway for more than 18 hours. The purpose of this 18-hour exception to the parking prohibition was to permit the owner of the recreational vehicle time to load or unload the vehicle. However, the “loading and unloading” restriction was inadvertently deleted from the law. Expedited Bill 28-09 would put the “loading and unloading” restriction back into the law.

The Executive formed a staff-level Code Enforcement Work Group (Work Group) comprised of representatives from the Departments of Housing and Community Affairs, Permitting Services, Environmental Protection, Transportation, Police, Fire and Rescue Service, the Office of the County Attorney, and the Council staff in September 2007. The Work Group looked at problems with unkempt properties, solid waste issues, inoperable or unregistered abandoned vehicles, vehicles parked on front lawns, overcrowded homes, home occupations, and unsafe passage on residential streets resulting from large parked commercial and recreational vehicles. The Work Group, in its November 2008 Report, recommended the following restriction for on-street parking of recreational vehicles:

31-14A. Parking of recreational vehicles restricted.

A person must not park a recreational vehicle on any public road *unless the vehicle is being used to load or unload passengers or their personal belongings* and the vehicle does not remain on the public road for longer than twenty-four (24) hours. (emphasis added)¹

The original language of Bill 27-08 contained this new restriction for on-street parking of recreational vehicles in residential areas, but reduced the 24-hour loading and unloading exception to 12 hours. The final language of Bill 27-08, as enacted, adopted the Work Group recommendation to prohibit on-street parking of recreational vehicles on any public roadway, but changed this loading and unloading time period to 18 hours at the request of the Police Department. However, the language limiting this exception to a vehicle while it was being loaded or unloaded was inadvertently dropped from the final Bill.

Expedited Bill 28-09 would re-insert the loading and unloading limitation back into the new law that will take effect on July 1, 2009. This is consistent with the intent of Bill 27-08 to prohibit parking of recreational vehicles on any public roadway except while loading or unloading the vehicle or due to mechanical breakdown. **Council staff recommendation:** re-insert the loading and unloading limitation for on-street parking of recreational vehicles.

This packet contains:

Expedited Bill 28-09

Legislative Request Report

Circle #

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¹ See page 58 of the Work Group Final Report at http://www.montgomerycountymd.gov/content/PIO/pdfs/code_enforce_pub.pdf

Expedited Bill No. 28-09
Concerning: Motor Vehicles and Traffic –
Parking Regulations – Recreational
Vehicles,
Revised: June 22, 2009 Draft No. 1
Introduced: June 23, 2009
Expires: December 30, 2010
Enacted: _____
Executive: _____
Effective: July 1, 2009
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Knapp

AN EXPEDITED ACT to:

- (1) further restrict the parking of certain recreational vehicles on a public roadway; and
- (2) generally amend the law regarding vehicle parking.

By amending

Montgomery County Code
Chapter 31, Parking
Section 31-14

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

LEGISLATIVE REQUEST REPORT

Expedited Bill 28-09

Motor Vehicles and Traffic – Parking Regulations – Recreational Vehicles

DESCRIPTION: Bill 27-08, effective on July 1, 2009, restricted parking of recreational vehicles on any public roadway for more than 18 hours. The 18-hour exception was intended to be limited to time for the owner of the recreational vehicle to load or unload the vehicle. However, the “loading and unloading” restriction was inadvertently deleted from the law. Expedited Bill 28-09 would put the “loading and unloading” restriction back into the law.

PROBLEM: Current law could be interpreted to permit a recreational vehicle to park on any public roadway for any purpose for up to 18 hours. This could hinder enforcement by the police department.

GOALS AND OBJECTIVES: Limit the 18-hour exception to park a recreational vehicle on a public roadway for loading and unloading only.

COORDINATION: Police Department

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Robert H. Drummer, Legislative Attorney

APPLICATION WITHIN MUNICIPALITIES: To be researched.

PENALTIES: Class B Violation – Fine established by regulation not to exceed \$200.