

MEMORANDUM

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Public Hearing:** Expedited Bill 46-10, Motor Vehicles and Traffic – Parking Regulations – Utility Trailers

Expedited Bill 46-10, Motor Vehicles and Traffic – Parking Regulations – Utility Trailers, sponsored by Councilmember Knapp, was introduced on July 27, 2010. A Transportation, Infrastructure, Energy and Environment Committee worksession is tentatively scheduled for October 7 at 9:30 a.m.

Bill 27-08, enacted by the Council on January 27, 2009, restricted parking recreational vehicles and heavy commercial vehicles on a public roadway in residential areas. Since the enactment of this law, the Police Department reports that some business owners of utility trailers have unhooked the utility trailer from the truck in order to park the trailer in residential areas overnight without violating the new restrictions on recreational vehicles and heavy commercial vehicles.

Bill 46-10 would prohibit parking a utility trailer on any public roadway except:

- (1) for up to 18 hours while actively engaged in loading or unloading passengers, merchandise or materials, or
- (2) for up to 48 hours if the vehicle is involuntarily parked because of mechanical failure or other emergency.

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Expedited Bill No. 46-10
Concerning: Motor Vehicles and Traffic –
Parking Regulations – Utility Trailers
Revised: July 20, 2010 Draft No. 2
Introduced: July 27, 2010
Expires: January 27, 2012
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Knapp

AN EXPEDITED ACT to:

- (1) prohibit the parking of certain utility trailers in certain areas; and
- (2) generally amend the law regarding vehicle parking.

By amending

Montgomery County Code
Chapter 31, Motor Vehicles and Traffic
Sections 31-1 and 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:

Sec. 1. Sections 31-1 and 31-14 are amended as follows:

33-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this article:

* * *

Utility trailer: A general use vehicle designed to be towed by a motor vehicle. A utility trailer includes a:

- (a) homemade trailer;
- (b) small box trailer;
- (c) freight trailer;
- (d) semi-freight trailer;
- (e) boat trailer;
- (f) camping trailer;
- (g) tent trailer;
- (h) travel trailer;
- (i) flatbed trailer; and
- (j) horse trailer.

* * *

33-14. Parking of heavy commercial vehicles, recreational vehicles, utility trailers, or buses.

- (a) A person must not park any recreational vehicle or utility trailer on any public roadway except:
 - (1) for up to 18 hours while actively engaged in loading or unloading passengers, merchandise or materials, or
 - (2) for up to 48 hours if the vehicle is involuntarily parked because of mechanical failure or other emergency.

* * *

LEGISLATIVE REQUEST REPORT

Expedited Bill 46-10
Motor Vehicles and Traffic – Parking Regulations – Utility Trailers

DESCRIPTION: The Bill would prohibit parking a utility trailer on any public roadway except:
(1) for up to 18 hours while actively engaged in loading or unloading passengers, merchandise or materials, or
(2) for up to 48 hours if the vehicle is involuntarily parked because of mechanical failure or other emergency.

PROBLEM: Bill 27-08, enacted by the Council on January 27, 2009, restricted parking recreational vehicles and heavy commercial vehicles on a public roadway in residential areas. Since the enactment of this law, the Police Department reports that some business owners of utility trailers have unhooked the utility trailer from the truck in order to park the trailer in residential areas overnight without violating the new restrictions on recreational vehicles and heavy commercial vehicles.

GOALS AND OBJECTIVES: To prevent the routine overnight parking of utility trailers on public roadways when not in use.

COORDINATION: Police

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, Senior Legislative Attorney

APPLICATION WITHIN MUNICIPALITIES: To be researched.

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



OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett
County Executive

MEMORANDUM

Joseph F. Beach
Director

September 15, 2010

TO: Nancy Floreen, President, County Council

FROM: Joseph F. Beach, Director, Office of Management and Budget

SUBJECT: Expedited Bill 46-10, Motor Vehicles and Traffic – Parking Regulations – Utility Trailers

The purpose of this memorandum is to transmit a fiscal and economic impact statement to the Council on the subject legislation.

LEGISLATION SUMMARY

Bill 27-08, enacted by the Council on January 27, 2009, restricted the parking of recreational vehicles and heavy commercial vehicles on a public roadway in residential areas. This Bill would prohibit parking a utility trailer on any public roadway except:

- (1) for up to 18 hours while actively engaged in loading or unloading passengers, merchandise or materials, or
- (2) for up to 48 hours if vehicle is involuntarily parked because of mechanical failure or other emergency.

FISCAL AND ECONOMIC SUMMARY

The purpose of this legislation is to expand the parking restrictions of recreational vehicles, heavy commercial vehicles, and buses on a public roadway in residential areas to include utility trailers. The Department of Police reports that some business owners of utility trailers have unhooked the utility trailer from the truck in order to park the trailer in residential areas overnight without violating the restrictions on recreational vehicles and heavy commercial vehicles. The Department of Police does not anticipate a fiscal impact with the enactment of this legislation as the Department is already performing the enforcement function with respect to abandoned and impounded vehicles. The owners of abandoned and impounded vehicles, as well as utility trailers will, however, be responsible for payment of the tow bill. The Department of Finance has reviewed the bill and determined that there is no economic impact to the County.

The following contributed to and concurred with this analysis: Captain John Didone, and Neil Shorb, of the Department of Police, Mike Coveyou, Department of Finance, and Ed Piesen, Office of Management and Budget.

JBF:ep

c: Kathleen Boucher, Assistant Chief Administrative Officer
Tom Street, Assistant Chief Administrative Officer
Dee Gonzalez, Officers of the County Executive
J. Thomas Manger, Chief of Police
John Didone, Captain, Department of Police

Office of the Director