

**COTTAGE CITY COMMISSION
TOWN OF COTTAGE CITY**

EMERGENCY ORDINANCE NO. 2019 - 01

AN EMERGENCY ORDINANCE OF THE TOWN OF COTTAGE CITY AMENDING CHAPTER 9 (TRAFFIC AND VEHICLES) OF THE CODE OF THE TOWN OF COTTAGE CITY REGARDING THE AUTHORITY OF THE TOWN TO POST TRAFFIC CONTROL DEVICES; AMENDING SECTIONS 9-1, 9-4, 9-8, 9-10 AND 9-11 TO PROHIBIT CERTAIN VEHICULAR TRAVEL AT CERTAIN TIMES ALONG 43RD AVENUE; TO PROVIDE CLARITY AND FOR CERTAIN STYLISTIC CHANGES; APPROVING THE PLACEMENT OF CERTAIN TRAFFIC CONTROL DEVICES WITHIN THE CORPORATE LIMITS OF THE TOWN AND AMENDING OR ESTABLISHING CERTAIN PENALTIES AND ENFORCEMENT MEASURES; AND GENERALLY RELATING TO TRAFFIC AND VEHICLES

Introduced By: Wanda Wheatley, Commissioner-Ward 3

WHEREAS, pursuant to Section 66 of the Town Charter, the Town has control of all public ways in the Town except those that are under the jurisdiction of the State Highway Administration, and subject to the laws of the State of Maryland and said charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

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 Cottage City, 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; and

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 Cottage City, as to highways under its jurisdiction, general powers 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 of more entrances to the intersection; and

WHEREAS, Section 25-106 of the Transportation Article of the Maryland Code states that “[o]n every highway under its jurisdiction, a local authority shall place and maintain those traffic control devices that it considers necessary to carry out the provisions of the Maryland Vehicle Law or local traffic ordinances or to regulate, warn, or guide traffic [and] each of these traffic control devices shall conform to the manual and specifications of the State Highway Administration,” and

WHEREAS, Section 6-9, having the catchphrase of “Peace and Good Order,” of the Code

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of the Town of Cottage City (the “Town Code”) requires that all persons must obey all rules and signs posted by authority of [the] Town on public property and rights of way; and

WHEREAS, Section 9-4, having the catchphrase of “Parking signs, notices,” of the Town Code states that the Cottage City Commission is authorized to erect such signs and notices regarding parking but does not expressly include other traffic control devices; and

WHEREAS, the Cottage City Commission finds that vehicular and specifically “cut through” traffic are using municipal (local residential) streets to avoid congestion on Bladensburg Road (Alt. U.S. 1) which causes increased traffic, noise, additional wear and tear on Town streets, and a threat to public safety including pedestrians and local traffic along residential streets in Town; and

WHEREAS, the Cottage City Commission further finds that the regulation of vehicular traffic is necessary and should be expedited to promote pedestrian and traffic safety, to advise motorists of the proper and safe use of the Town’s roadways, to protect the public and the residents from hazardous conditions, and to accomplish other purposes in furtherance of the public health, safety and welfare.

SECTION 1.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COTTAGE CITY COMMISSION, that the Code of the Town of Cottage City as amended herein below is hereby enacted, adopted, revised and amended such that said Code and the provisions of said Code and particularly this new Chapter 9 (Traffic and Vehicles) thereof shall henceforth read as follows:

CHAPTER 9

TRAFFIC AND VEHICLES

9-1. Parking AND TRAFFIC, Generally.

No person shall allow, permit or suffer any vehicle registered in his name to OPERATE, stand or park in any public place or street in the Town of Cottage City in violation of any of the ordinances, signs or local laws of the Town regulating A public place, TRAFFIC or the standing and parking of vehicles, nor shall any vehicles be so OPERATED, placed or parked by any person.

* * *

9-4. Parking Signs, TRAFFIC CONTROL DEVICES, AND Notices

The Cottage City Commission is hereby authorized to erect such signs, TRAFFIC CONTROL

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DEVICES and notices regarding parking AND TRAFFIC for the common good. THE ORDER TO TAKE SUCH ACTION SHALL BE ISSUED BY ORDINANCE OR WRITTEN RESOLUTION AND SAID ORDINANCE OR RESOLUTION OR A FAIR SUMMARY THEREOF SHALL BE PUBLISHED IN THE TOWN NEWSLETTER OR A NEWSPAPER OF GENERAL CIRCULATION IN THE TOWN.

* * *

9-8. Rules of the Road.

(A) It shall be unlawful for any person to operate any vehicle in or upon any of the streets or highways in the Town of Cottage City, except on Bladensburg Road, at a speed greater than twenty-five (25) miles per hours.

(B) At any street intersection in the Town of Cottage City, at which the Cottage City Commissioner have caused to be erected a *STOP* sign, all operators of vehicles shall come to a complete stop and shall not proceed to cross or enter such street intersection until a crossing or entry can be safely made; at any street intersection or other place in the Town of Cottage City at which the Cottage City Commissioners have caused to be erected a *SLOW* sign, or *SLOW-SCHOOL* sign, all operators of vehicles shall slow down and proceed into said intersection or along said street cautiously, with due regard for other vehicles or pedestrians in the said intersection or along or upon the said street.

(C) It shall be unlawful for any person to operate a motor vehicle over any public highway or street in the Town of Cottage City recklessly or at a rate of speed greater than is reasonable and proper, having regard to the condition of said street or highway and the traffic thereon.

(D) All motor vehicles when parked upon the public streets or highways in the Town of Cottage City shall be parked near the curb on the right side of the street facing the direction in which said vehicle is traveling.

(E) It shall be unlawful for any person to drive or operate any automobile or other vehicles across any street intersection in the Town of Cottage City which is controlled by green and red traffic lights when the red light is showing against the traffic moving in the direction in which such vehicle is traveling.

(F) Any ambulance, fire, police or emergency vehicle with its emergency equipment on shall have the right-of-way on all streets and avenues in the Town of Cottage City. All operators of vehicles, upon the approach of such emergency apparatus, shall immediately draw near to and parallel with the curb and stop.

(G) It shall be unlawful to drive any vehicle upon or over the curb and or sidewalk except at alleys and designated driveway crossings, except emergency or Town maintenance vehicles.

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(H) It shall be unlawful for any person to ride any bicycle or motorcycle or skateboard upon any sidewalk within the corporate limits of the Town of Cottage City; provided this section shall not be construed to prohibit small children from riding tricycles or other light toy vehicles upon the sidewalks.

(I) It shall be unlawful for any person to ride a skateboard on any of the streets or public property of the Town of Cottage City. The police of the Town of Cottage City shall have the authority to confiscate temporarily or permanently any vehicle or skateboard operated in violation of subsections (H) and (I) of this Section.

(J) Between the hours of one-half hour after sunset and one-half hour before sunrise, it shall be unlawful for any person to ride a bicycle upon the streets of the Town of Cottage City without having the same equipped with a light in front and a light or reflecting jewels in the rear.

(K) All vehicles emerging from alleys, garages, driveways or places of business shall stop and then allow the right-of-way to pedestrians or passing vehicles before crossing the sidewalk.

(L) It shall be unlawful for any person to drive or operate any vehicle with cleats or cleated wheels over any of the streets, or highways of the Town of Cottage City.

(M) It shall be unlawful to operate a vehicle on Parkwood Street between 38th Avenue and 40th Avenue on weekdays in the Town of Cottage City in a northerly direction between the hours of 4:00 P.M. and 7:00 P.M. and in a southerly direction between 7:00 A.M. and 9:00 A.M.

(N) EXCEPT FOR SCHOOL BUSES, IT SHALL BE UNLAWFUL TO OPERATE A VEHICLE ON 43RD AVENUE BETWEEN BLADENSBURG ROAD AND BUNKER HILL ROAD ON WEEKDAYS IN A NORTHERLY DIRECTION BETWEEN THE HOURS OF 7:00 A.M. - 9:00 A.M.

(O) It shall be unlawful to operate a vehicle on Bunker Hill Road between 40th Place and [Parkway] PARKWOOD Street on weekdays in an easterly direction between the hours of 4:00 P.M. - 7:00 P.M. and in a westerly direction between the hours of 7:00 A.M. - 9:00 A.M.

* * *

9-10. Tampering with Traffic Control Devices.

It shall be unlawful for any person to tamper with or injure or molest any of the equipment, DEVICES, PAINTED CURBS or signage connected with the TRAFFIC CONTROL DEVICES OR A traffic signal system in the Town of Cottage City.

9-11. Violations

(A) Unless otherwise provided any person or persons who shall fail to comply with any of the

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AND BE IT FURTHER ORDAINED AND ENACTED, that severability is intended throughout and within the provisions of this Ordinance, and if any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4.

AND BE IT FURTHER ORDAINED AND ENACTED, that only Section 1 and no other section of this Ordinance shall be codified and included within the Code of the Town of Cottage City.

SECTION 5.

AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance is an Emergency Ordinance and shall become effective immediately.

SECTION 6.

AND BE IT FURTHER ORDAINED AND ENACTED, that a fair summary of this Ordinance shall be published at least once within ten days after the date of passage in a newspaper or newspapers having general circulation in the Town.

SECTION 7.

AND BE IT FURTHER ORDAINED AND ENACTED, that the Commissioner-Chairman shall be authorized to sign this Ordinance on behalf of the Commission.

HAVING BEEN INTRODUCED AND HAVING BEEN READ as an emergency ordinance and passed by a yea and nay vote of the Cottage City Commission with the affirmative votes of at least four (4) of the whole number of members elected to the legislative body as indicated below at a Public Meeting of the Town of Cottage City held on this 13 day of March 2019, at 7 o'clock p.m., in the Town Hall in Cottage City, Maryland.

I HEREBY CERTIFY that the above Emergency Ordinance No. 2019-01 was passed by the required yea and nay votes of the Cottage City Commission on the 13 day of March 2019.

ATTEST:

TOWN OF COTTAGE CITY, MARYLAND


Consuella Barbour, Town Manager

By: 
Natashia Davis, Commissioner-Chairman

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provisions of this chapter, or who shall violate or fail to comply with any order or regulation made under this chapter, shall, upon conviction thereof, be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense.

(B) The fine for a violation of 9-7 abandoned vehicles, in addition to the fees outlines therein, shall be one hundred dollars (\$100.00) per vehicle.

(C) MOVING VIOLATIONS. ANY MOVING VIOLATIONS OF THIS CHAPTER OR UNDER STATE LAW, SHALL BE CITED USING THE MARYLAND UNIFORM COMPLAINT AND CITATION FORM, AND UPON CONVICTION, UNLESS OTHERWISE PROVIDED IN THIS CHAPTER, SHALL BE FINED AND/OR PENALIZED IN ACCORDANCE WITH THE SCHEDULE OF FINES AND PENALTIES DETERMINED BY THE STATE AND SET OUT IN A DOCUMENT PREPARED BY THE CHIEF ADMINISTRATIVE JUDGE OF THE DISTRICT COURT OF MARYLAND AND REFERRED TO AS THE "SCHEDULE OF PRESET FINES AND/OR PENALTY DEPOSITS," AS SUCH DOCUMENT (FORM #DC-CR-090) MAY BE AMENDED FROM TIME TO TIME. EXCEPT FOR TRAFFIC CONTROL SIGNAL MONITORING SYSTEM VIOLATIONS AS DEFINED IN SECTION 21-202.1 OF THE TRANSPORTATION ARTICLE OF THE MARYLAND ANNOTATED CODE, A MOVING VIOLATION IS ANY VIOLATION OF THIS CHAPTER COMMITTED BY THE DRIVER OF A VEHICLE WHILE IT IS BEING OPERATED OR IS IN MOTION AT THE TIME OF THE INFRACTION, OR AS OTHERWISE DEFINED PURSUANT TO § 11-136.1 OF THE TRANSPORTATION ARTICLE OF THE MARYLAND ANNOTATED CODE AND ANY REGULATIONS ADOPTED BY THE STATE HIGHWAY ADMINISTRATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF THE MARYLAND TRANSPORTATION ARTICLE.

SECTION 2.

AND BE IT FURTHER ORDAINED AND ENACTED, that the Cottage City Commission hereby authorizes and orders the Town Manager or her designee to erect such signs, placards and/or traffic control devices on municipal rights-of-way or, as permitted by the State Highway Administration, within the State's rights-of-way in conformance with the Maryland Manual on Uniform Traffic Control Devices as follows:

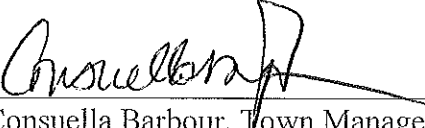
Street	Sign Type	Hours	Ward
43 rd Ave. & Bladensburg Rd. (Southbound)	No Right Turn	7 a.m. – 9 a.m.	3
43 rd Ave. & Bladensburg Rd.	Do Not Enter	Monday thru Friday 7 a.m. – 9 a.m. Except Buses	3

SECTION 3.

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CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Manager of the Town of Cottage City, Maryland, that on the 13 day of March, 2019 with 4 Aye votes and 0 Nay votes, the aforesaid Emergency Ordinance 2019-01 passed.



Consuella Barbour, Town Manager

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