MAYOR AND COUNCIL AGENDA

NO. 2 DEPT.: Police / DATE PREPARED: February 3, 2005
STAFF CONTACT:T. N. Treschuk FOR MEETING OF: February 22, 2005

SUBJECT: On street parking restrictions within five feet of a public or private driveway.

RECOMMENDATION: 1. Introduce ordinance to amend Chapter 23 entitled "Traffic", Section 23-26 entitled "Stopping, standing or parking prohibited in specified place," so as to prohibit on street parking within five feet of a public or private driveway.

2. At least two members Mayor and Council request that a public hearing be held on the proposed ordinance.

DISCUSSION: The proposed amendment to the City's Parking restriction is in response to complaints from citizens about parking occuring too close to private driveways. This is an issue that the City Traffic and Transportation unit addresses on a frequent basis, through receipt of requests from residents to install "no parking" signs on both sides of their driveways to allow safe maneuver and a more adequate turning radius while they enter or exit their driveways. Staff have reviewed the current provisions in light of the citizen's concerns, and recommends that the City amend the code to prohibit on-street parking within five feet of a private or public driveway. Montgomery County already has a provision in place and staff suggests adopting similar language.

There is likely to be some opposition to the proposed changes and, therefore, staff has recommened that the Mayor and Council hold a public hearing which will allow interested citizens to voice their opinions and assist the Mayor and Council in their final decision.

Options Considered: None at this time.

Fiscal Impact: None.

Change in Law or Policy: Proposed change to Chapter 23 of the Rockville City Code.

Boards and Commissions Review: None.

Next Steps: Advertise public hearing; Hold public hearing; Discuss and instruct staff; Adopt ordinance - dates TBD

PREPARED BY: T. N. Treschuk, Chief of Police

DATE: 2.3.05

APPROVED BY: Scott Ullery, City Manager

DATE: 2/14/05

LIST OF ATTACHMENTS:

1. Proposed Ordinance
2. Memorandum to Scott Ullery dated 1/19/05

Ordinance No. ____ ORDINANCE: To amend Chapter 23, "Traffic," of the Rockville City Code, Section 23-26 entitled "Stopping, standing, or parking prohibited in specified places" so as to prohibit on street parking within five feet of a public or private driveway

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, that Chapter 23, "Traffic" of the Rockville City Code, Section 23-26 entitled "Stopping, standing, or parking prohibited in specified places" be amended to read as follows:

Sec. 23-26. Stopping, standing, or parking prohibited in specified places.

No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device in any of the following places:

(1) On a sidewalk;

(2) [In front of a public driveway; in front of a private driveway, except with the consent of the owner or occupant of the premises] Within five (5) feet of any opening or entrance to any public or private driveway;

(3) In front of any opening or entrance to a public or private driveway, except that an owner or occupant may park in front of his or her private residential driveway;

[(3)] (4) Within an intersection;

[(4)] (5) Within fifteen (15) feet of a fire hydrant;

[(5)] (6) On a crosswalk, or within twenty (20) feet of a crosswalk at an intersection, except for the purpose of receiving or discharging passengers or merchandise;

[(6)] (7) Within thirty (30) feet of any beacon, stop sign, or traffic control signal located at the side of a roadway;

[(7)] (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, except for the period necessary to take on or discharge passengers, freight, or merchandise;

[(8)] (9) Within twenty (20) feet of the driveway entrance to any fire department station and on the side of a street opposite the entrance to any fire department station within seventy-five (75) feet of the entrance when signposted;

[(9)] (10) Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;

[(10)] (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street except for the purpose of receiving or discharging passengers or merchandise;

[(11)] (12) Upon any bridge or other elevated structure or within a highway tunnel;

[(12)] (13) At any place where an official sign or painted curb of the County, the State, or the City prohibits stopping, parking or standing wherever a curb is painted yellow that there shall be no parking, standing or stopping parallel to the painted curb;

[(13)] (14) On curves, at the brow of a hill, where the State Highway Administration or the City has painted lines on the surfaces of the roads;

[(14)] (15) Upon any road, highway, alley or public parking facility in such a manner so as to impede the movement of traffic or constitute a threat to public safety;

[(15)] (16) On a drainage structure, planting strip, grass strip, median strip, or dirt strip which is located behind the curb of a public roadway except upon driveways constructed for such purpose. Where curbs do not exist along a public road, the provisions of this paragraph shall apply only to drainage structures. This paragraph does not apply in emergencies,

or for inspection, repair or construction work performed by governments, public agencies, or public utility companies;

[(16)] (17) Upon that portion of a street on which there are painted lines on the surface of the street to indicate a designated bikeway.

Note: [Brackets] indicate material deleted

Underlining indicates material added

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I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council at its meeting of

_____

Claire F. Funkhouser, City Clerk

City of Rockville

MEMORANDUM

January 19, 2005

TO: Scott Ullery, City Manager

FROM: T. N. Treschuk, Chief of Police

SUBJECT: Citizen's Request for review of current City Ordinances concerning parking near/by residential driveways.

Background:

A City resident came to Citizen's Forum to ask the Mayor and Council to review current City Code as it relates to on street parking near or by residential driveways. The Citizen lives on a small residential street in the Twinbrook area: (1013 Debeck Drive), and has had problems getting in and out of her driveway due to the parking of neighbor's vehicles close to the driveway curb lines.

Scope of Problem:

The Police Department sporadically receives complaints from residents about vehicles parking close to their driveways or actually infringing into the driveway. The Police Department responds to the location, and if there is an infringement, has the vehicle moved. If the vehicle is legally parked, the Police Officer or the Citizen will try to talk with the neighbor to see if they can park the vehicle a bit farther away from the driveway of concern.

The City Code on street parking near a driveway is simply that you cannot park as to block a driveway (attachment #1: City Ordinance 23-26, subsection 2) Interpretation of this ordinance has always been that you can legally park a vehicle on a city street up to the prolongation of the curb lines of the driveway.

The Montgomery County Code (Chapter 31, Section 31-39) prohibits parking within five (5) feet of any curb edge to a driveway on any county roadway (attachment #2: County Ordinance 31-19).

Mr. Marcus and Mr. Elshafei of the City Traffic and Transportation Division of the Department of Public Works have reviewed current City Code and are recommending that the City repeal the current code and replace it with the same code wording as in the County. (Attachment #3: Memorandum from City Traffic and Transportation Chief, Mr. Larry Marcus.)

Considerations:

Changing of current law to allow for the five (5) foot buffer on each side of a driveway would be beneficial for many homeowners who live on older, narrower streets in Rockville in being able to exit and enter driveways without an issue. Most enforcement would be complaint-driven.

A strong educational component would be crucial in ensuring residents became aware of this change in parking rules prior to implementation.

Recommendation:

That the Mayor and Council direct City staff to prepare the appropriate paperwork to introduce a modification to City Ordinance 23-26, subsection 2 as follows:

The parking of vehicles at anytime on the public ways of the city in such a manner that any part of the vehicle so parked within five (5) feet of either curb edge or any existing opening or hereafter established entrance to any public or private driveways or shall overlap or obstruct any existing opening or hereafter established entrance to public or private driveway is prohibited, except, that an owner may obstruct his own private residence driveway.

Through introduction of this ordinance modification, a public hearing would allow interested citizens to voice their opinions and assist the Mayor and Council in their final decision.

TNT:mer

ATTACHMENT #3

City of Rockville

MEMORANDUM

December 9, 2004

TO: Terry Treschuk, Chief of Police

FROM: Larry Marcus, Chief of Traffic & Transportation
Emad Elshafei, P.E., P.T.O.E., Civil Engineer II – Traffic & Transportation

SUBJECT: Driveway Clearance

The purpose of this memorandum is to confirm that the Traffic and Transportation Division is in favor of revising City code to mirror Montgomery County Code (Chapter 31, 31-19) in reference to obstructing entrance to public or private driveways: "The parking of vehicles at anytime on the public ways of the county in such a manner that any part of the vehicle so parked is within five (5) feet of either curb edge or any existing opening ~~or hereafter~~ established entrance to any public or private driveways or shall overlap or obstruct any existing opening or hereafter established entrance to any public or private driveway is ~~prohibited,~~ except, that an owner may obstruct his own private residence driveway."

The City often receives requests ~~from~~ residents ~~to~~ install "No Parking Any Time" signs on both sides of their driveways to allow safer maneuver and more adequate turning radius while they enter or exit their driveways. Very often ~~vehicles~~ ~~park too~~ close to driveways and create a safety hazard because they reduce the available sight distance and turning radius.

Since the City cannot, practically and economically, post such signs at every driveway, it is recommended to follow the footsteps of Montgomery County in this area. The County's code calls for a 5-foot clearance at each side of a driveway regardless of existence of parking restriction signs.

Cc: Hal Cranor, Director of Public Works