

ORDINANCE NO. 2494

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF SALISBURY TO AMEND THE SALISBURY MUNICIPAL CODE BY ADDING PARAGRAPH D TO SECTION 10.32.030 – MOTOR TRUCKS AND COMMERCIAL VEHICLES TO ESTABLISH FINES FOR VIOLATIONS OF THE OVERNIGHT COMMERCIAL PARKING LIMITS IN THE CODE.

WHEREAS, the code currently limits overnight commercial parking in residential areas; and

WHEREAS, there are no penalties in the code for violating said limits; and

WHEREAS, problems continue with commercial vehicles parking overnight in residential areas; and

WHEREAS, the City and the Police Chief desire to enforce these limits by issuing a fine to any person violating this section of the code; and

WHEREAS, the City of Salisbury desires to enforce the limits for overnight commercial parking in residential areas to maintain the peace of the residential sections of the City.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, that Chapter 10.32-STOPPING, STANDING AND PARKING of the City of Salisbury Code is amended by the addition of paragraph D to subsection 10.32.030 as follows:

Chapter 10.32 - STOPPING, STANDING AND PARKING

10.32.030 - Motor trucks and commercial vehicles.

- A. Parking Between Eleven P.M. and Seven A.M. No person shall park any motor truck or commercial vehicle for more than two hours on any public street of the city between eleven p.m. and seven a.m. on any night.
- B. Parking While Mechanical Refrigeration is in Operation.
 - 1. No person shall park any motor truck or commercial vehicle equipped with a mechanical refrigeration device for more than two hours on any public street of the city while such mechanical refrigeration device is in operation subject to the limitations set forth in subsection (B)(2) of this section.
 - 2. No persons shall park any motor truck or commercial vehicle equipped with a mechanical refrigeration device while such mechanical refrigeration device is in operation on any commercial property located within one hundred (100) yards of a residential structure between the hours of eleven p.m. and seven a.m.

C. Exceptions. Nothing contained in this section shall be construed to apply to the parking of motor trucks or commercial vehicles loaded with farm products and waiting in line, attended by a driver, for the purpose of delivering produce to any auction block, cannery or other food processing plant located in the city, and nothing contained in this section shall be applicable to vehicles of the police department or the fire department or to any emergency vehicle belonging to the city or to any public utility or to vehicles belonging to physicians or undertakers.

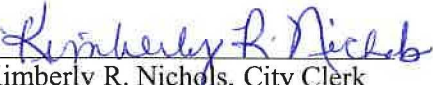
D. Penalty. Any person found to be in violation of this section shall be subject to a citation and, upon conviction thereof before the court having jurisdiction, shall be subject to a fine of \$500 for the first violation. Each day a violation remains uncorrected is a separate violation subject to an additional citation and fine. Subsequent violations within the same calendar year shall be subject to additional citations and increasing fines as follows:

<u>Overnight Commercial Parking in Residential Area</u>	
<u>Occurrence/Fine</u>	
<u>2nd Offense</u>	<u>\$600</u>
<u>3rd Offense</u>	<u>\$700</u>
<u>4th Offense</u>	<u>\$800</u>
<u>5th Offense</u>	<u>\$900</u>
<u>6th & Subsequent Offenses</u>	<u>\$1,000</u>

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 25th day of June, 2018 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 9th day of July, 2018.

ATTEST:

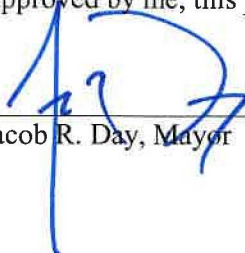


 Kimberly R. Nichols, City Clerk



 John R. Heath, City Council President

Approved by me, this 16th day of JULY, 2018.



 Jacob R. Day, Mayor



To: Julia Glanz, City Administrator
From: Nathaniel Sansom, Intern
Subject: Amendment to **10.32.030 – Motor trucks and commercial vehicles**, addition of penalty clause for occurrences of commercial trucking parking violations
Date: July 5, 2018

Per your request, I have drafted legal language proposing an increase in the penalty for those found to be in violation City Code chapter: **10.32**, section: **.030**, entitled: **Motor trucks and commercial vehicles**.

In order to increase the fine for those found to be in violation, I am proposing the following as an addition to **10.32.030**:

D. Penalty. Any person found to be in violation of this section shall be subject to a fine of \$500 for the first violation. Each subsequent violation within the same calendar year shall constitute a separate offense and shall be fined according to the table listed below.

<u>Overnight Commercial Parking in Residential Area</u>	
<u>Occurrence/Fine</u>	
<u>2nd</u>	<u>\$600</u>
<u>3rd</u>	<u>\$700</u>
<u>4th</u>	<u>\$800</u>
<u>5th</u>	<u>\$900</u>
<u>6th & Subsequent Offences</u>	<u>\$1,000</u>

Please see “Attachment 1” at your convenience, which contains the full chapter of code with this language underlined as an addition to the current code.

Please see the document entitled “Attachment 2” for a comparative analysis of the penalties assessed by other municipalities for similar violations.

Thank you for your consideration of this proposal; please do not hesitate to contact me should you have any questions or concerns.

[ATTACHEMT 2] Comparative Analysis Commercial Trucking Violations

STATE	MUNICIPALITY	FINE
Washington	Clark	up to \$50
New Jersey	Township Of Barnegat	up to \$1,000
Illinois	Village Of Hanover Park	no less than \$100, up to \$750
California	San Diego	\$100
Florida	Palm Coast	\$25, \$50, \$100
Maryland	Baltimore County	\$ 500 for tractor & trailor, or \$250 per tractor or trailer