

MAYOR AND TOWN COUNCIL OF COLMAR MANOR

ORDINANCE NO. O - \_\_\_ - 2020

AN EMERGENCY ORDINANCE FOR THE PURPOSE OF ENDING CONFUSION CONCERNING THE OVERNIGHT PARKING OF TRAILERS AND COMMERCIAL VEHICLES IN THE TOWN OF COLMAR MANOR AND FURTHER FOR THE PURPOSE OF REPEALING OR OTHERWISE PROVIDING FOR THE REPEAL OF PROVISIONS OF THE CODE OF ORDINANCES OF THE TOWN INCONSISTENT THEREWITH.

Section 1. BE IT ENACTED by the Mayor and Town of Colmar Manor that Section 10-106 is repealed and reenacted with amendments to read as follows:

Section 10-106. OVERNIGHT PARKING OF TRAILERS AND COMMERCIAL VEHICLES PROHIBITED

A. EXCEPTION AS PROVIDED HEREIN AND ELSEWHERE IN THE TOWN CODE, THE PARKING OF ANY TRAILER AS DEFINED HEREIN OR COMMERCIAL VEHICLE ON ANY STREET OR HIGHWAY IN THE TOWN BETWEEN THE HOURS OF 6:00 P.M. AND 6:00 A.M. EACH DAY OF THE WEEK, INCLUDING WEEKENDS AND HOLIDAYS IS PROHIBITED.

B. DEFINITION OF COMMERCIAL MOTOR VEHICLE. COMMERCIAL MOTOR VEHICLE MEANS ANY SELF-PROPELLED OR TOWED MOTOR VEHICLE USED ON A HIGHWAY IN INTERSTATE COMMERCE TO TRANSPORT PASSENGERS OR PROPERTY OR TO PROVIDE SERVICES WHEN THE VEHICLE:

(1) HAS A GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION WEIGHT RATING, OR GROSS VEHICLE WEIGHT OR GROSS COMBINATION WEIGHT, OF 4,536 KG (10,001 POUNDS) OR MORE, WHICHEVER IS GREATER;

(2) DELETED

(3) IS DESIGNED OR USED TO TRANSPORT MORE THAN 15 PASSENGERS, INCLUDING THE DRIVER WITH OR WITHOUT COMPENSATION; OR

(4) IS USED IN TRANSPORTING MATERIAL FOUND BY THE CHIEF OF POLICE TO BE HAZARDOUS UNDER 49 U.S.C. 5103 AND TRANSPORTED IN A QUANTITY REQUIRING PLACARDING UNDER REGULATIONS PRESCRIBED BY THE SECRETARY OF TRANSPORTATION OF THE UNITED STATES UNDER 49 CFR, SUBTITLE B, CHAPTER I.

C. PROVIDED, HOWEVER, COMMERCIAL VEHICLES, AS DEFINED HEREIN, PARKED FOR THE PURPOSE OF THE RESTORATION OF ESSENTIAL SERVICES (SUCH AS, ELECTRICITY, MEDIAL CARE, SEWER, WATER, TELECOMMUNICATIONS, AND TELECOMMUNICATION TRANSMISSIONS) OR THE PROVISION ESSENTIAL SUPPLIES (SUCH AS, FOOD AND FUEL) AS AND WHEN RECOGNIZED BY THE CHIEF OF POLICE SHALL NOT BE INCLUDED IN THE DEFINITION OF A COMMERCIAL VEHICLE.

D. TOW-AWAY. THE TOWING AND STORAGE CHARGE SHALL BE A LIEN AGAINST THE VEHICLE AND SHALL BE PAID BEFORE THE VEHICLE MAY BE RELEASED FROM IMPOUNDMENT.

E. ALL TRAILERS EXCEEDING SIXTEEN (16) FEET IN LENGTH INCLUDING THE TONGUE ARE PROHIBITED FROM PARKING ON THE STREETS AND HIGHWAYS OF THE TOWN OF COLMAR MANOR FROM 6:00 P.M. TO 6:00 A.M. EVERY DAY OF THE WEEK INCLUDING WEEKENDS AND HOLIDAYS.

F. THE PENALTY FOR A VIOLATION OF THE SECTION 10-106 SHALL BE FINE OF UP TO TWO HUNDRED FIFTY DOLLARS (\$250.00). ANY TOWING AND STORAGE CHARGE SHALL BE A LIEN AGAINST THE VEHICLE AND SHALL BE PAID BEFORE THE VEHICLE MAY BE RELEASED FROM IMPOUNDMENT.

Section 2. Severability.

If any section, subsection, sentence, clause, phrase or portion thereof 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 hereof.

SECTION 3. BE IT FURTHER ENACTED that pursuant to the authority contained in Section 307 of the Town Charter, the Mayor and Town Council hereby find and declare that for the good government of the Town, timely enforcement of the foregoing matter as an ordinance of the Town is necessary and in the public interest. Therefore, the Mayor and Town Council, after the holding of a public hearing on the matters and issues contained herein, duly noticed, declare the purposes and provisions of this ordinance to be an emergency, thereby suspending any waiting period before this ordinance may become effective.

Section 4. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date of its

enactment.

Introduced on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

Adopted on the 10th day of November 2020.

ATTEST:

MAYOR AND TOWN COUNCIL OF COLMAR MANOR,  
MARYLAND

Daniel R. Baden  
Clerk-Treasurer

Sadara Barrow  
Mayor

Lois Ann Blue  
Councilmember, Ward 1

Cynthia Bowdin  
Councilmember, Ward 2

Vivian Jackson  
Councilmember, Ward 3

\_\_\_\_\_  
Melinda Mendoza  
Councilmember, Ward 4

I certify that the following motion was made at the meeting of the Mayor and Town Council of Colmar  
Manor held on \_\_\_\_\_, 2020.

Motion: Councilmember Jackson moved that the Mayor and Town Council adopt Ordinance No.  
O - \_\_\_\_\_ - 2020 repealing and reenacting Sections 10-117 through 10-124 of the Code  
of Ordinances of the Town.

Motion Seconded: Councilmember Mendoza

Vote: (4 ayes; Blue abstained)

Clerk-Treasurer to the Mayor and Town Council of Colmar Manor \_\_\_\_\_