

Amending Section 9-104 Parking –  
Petition process for traffic calming  
Sponsored by: Councilmember Gathercole

**LEGISLATIVE RESOLUTION 23-O-02**

**RESOLUTION AND ORDINANCE OF THE TOWN OF UNIVERSITY PARK TO AMEND CHAPTER 9 “TRAFFIC AND VEHICLES”, BY ENACTING ARTICLE 4, “TRAFFIC CALMING DEVICES”, §§ 9-401, “PURPOSE”, 9-402, “DEFINITIONS”, 9-403, “REQUEST FOR INSTALLATION OF TRAFFIC CALMING DEVICE BY PETITION”, 9-404, “REVIEW OF PETITION BY TOWN TRAFFIC ENGINEER”, 9-405, “PUBLIC HEARING; CRITERIA FOR EVALUATING REQUESTS”, 9-406, “REMOVAL OR ALTERATION OF DEVICES” AND 9-407 “AUTHORITY OF THE TOWN” TO ENABLE A UNIFORM PETITION PROCEDURE FOR INSTALLATION, ALTERATION AND REMOVAL OF TRAFFIC CALMING DEVICES**

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, § 25-106 "Placement of Local Traffic Control Devices" of the Transportation Article, Annotated Code of Maryland, authorizes the Town to place and maintain those traffic control devices on every highway under its jurisdiction that it considers necessary to carry out the provisions of the Maryland Vehicle law or local traffic ordinances which regulate, warn or guide traffic; and

WHEREAS, the §25-102 of the Transportation Article, Annotated Code of Maryland, authorizes the Town to adopt parking and traffic regulations; and

WHEREAS, the Mayor and Common Council have adopted Chapter 9, “Traffic and Vehicles”, of the Town Code to regulate parking and traffic in the Town; and

**EXPLANATION:**

**CAPITALS INDICATE MATTER ADDED TO EXISTING LAW**

~~[Brackets]~~ indicate matter deleted from existing law

\* \* Asterisks\* \* indicate existing law which are unchanged but not set forth in the ordinance

**CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED ORDINANCE**

~~[Brackets]~~ indicate matter deleted by amendment to the proposed ordinance

WHEREAS, the Town's Police, Traffic and Public Safety Committee has recommended to the Mayor and Council to adopt a petition process for residents to follow when traffic calming devices are requested; and

WHEREAS, the Mayor and Council have determined that a uniform petition process with engineering review and full public notice to authorize installation and removal of traffic calming devices is in the public interest.

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 9 "Traffic and Vehicles", Article 4 "Traffic Control Devices", §§ 9-401, "Purpose", 9-402, "Definitions", 9-403, "Request for installation of traffic calming device by petition", 9-404, "Review of petition by Town Traffic Engineer", 9-405, "Public hearing; criteria for evaluating requests", 9-406, "Removal or alteration of devices" and 9-407 "Authority of the Town" of the Code of the Town of University Park, be enacted to read as follows:

#### **ARTICLE 4 TRAFFIC CALMING DEVICES**

##### **§ 9-401 PURPOSE.**

TO PROMOTE AND MAINTAIN SAFE VEHICULAR SPEEDS ON RESIDENTIAL STREETS AND TO ENHANCE THE LIVABILITY OF NEIGHBORHOODS.

##### **§ 9-402 DEFINITIONS.**

A. CHOKER - THESE DEVICES PHYSICALLY REDUCE THE WIDTH OF THE ROAD, THEREBY FORCING THE DRIVER TO REDUCE THE VEHICLE SPEED TO SAFELY TRAVEL THROUGH THE DEVICE.

B. EDGE LINES MARKINGS - THESE MARKINGS ARE USED TO DELINEATE LANE WIDTHS, THEREBY POTENTIALLY REDUCING VEHICLE SPEEDS. THE AREA BETWEEN THE EDGE OF THE ROAD AND THE LANE MARKING CAN BE USED FOR PARKING IN SELECTED SITUATIONS OR AS A BIKE LANE.

C. INTERSECTION MODIFICATIONS - CHANGING THE INTERSECTION BY RESTRICTING THROUGH MOVEMENTS OR RAISING THE PAVEMENT HEIGHT TO EFFECTIVELY REGULATE VEHICLE SPEEDS. THESE CHANGES CAN ALSO INCLUDE REDUCING THE CORNER RADIUS AT THE INTERSECTIONS.

D. MEDIAN OR PEDESTRAIAN REFUGE ISLANDS - THESE DEVICES ARE GENERALLY USED WITH MULTILANE ROADWAYS. THEY ARE USED TO REDUCE

THE WIDTH OF A ROAD WHICH CAN REGULATE VEHICLE SPEEDS AND PROVIDE IMPROVED PEDESTRIAN CROSSING OPPORTUNITIES.

E. ROAD MEDIANS - THESE DEVICES CAN RANGE IN LENGTH, WIDTH AND ARCHITECTURAL FEATURES. THEY ARE EFFECTIVE IN REDUCING THE WIDTH OF THE STREET AND REDUCING THE TURNING RADIUS OF INTERSECTIONS.

F. RUMBLE STRIPS - THESE DEVICES CREATE TIRE NOISE AND ARE USED PRIMARILY TO ALERT DRIVERS TO A CHANGE IN ROAD CONDITIONS.

G. SPEED HUMPS - THESE DEVICES ARE DESIGNED TO PRODUCE AN ELONGATED PAVEMENT RISE THAT IS DESIGNED TO ALLOW VEHICLES TO TRAVEL OVER THEM SAFELY, AT OR BELOW THE POSTED SPEED LIMIT.

H. TRAFFIC CALMING - THE TERMINOLOGY USED TO DESCRIBE VARIOUS METHODS OF REDUCING VEHICULAR SPEEDS AND VOLUMES ON RESIDENTIAL NEIGHBORHOOD STREETS. THESE METHODS TYPICALLY REQUIRE THE INSTALLATION OF PHYSICAL DEVICES SUCH AS TRAFFIC CIRCLES, RUMBLE STRIPS, EDGE LINES MARKINGS AND SPEED HUMPS THAT WERE DEVELOPED FOR THE PURPOSE OF DISCOURAGING VEHICULAR SPEEDING.

I. TRAFFIC CIRCLES - THESE DEVICES ARE GENERALLY INSTALLED IN INTERSECTIONS. THE ROADWAY ALIGNMENT IS DEFLECTED AROUND THE CENTER ISLAND THEREBY REDUCING VEHICLE SPEEDS.

**§ 9-403 REQUEST FOR INSTALLATION OF TRAFFIC CALMING DEVICE BY PETITION.**

A REQUEST FOR THE INSTALLATION OF A TRAFFIC CALMING DEVICE BY RESIDENTS CAN BE MADE BY PETITION.

**A. PETITION REQUEST.**

(1) HOMEOWNERS OF PROPERTY ON A STREET CAN SUBMIT A PETITION TO THE TOWN REQUESTING THAT A TRAFFIC CALMING DEVICE BE INSTALLED ON THAT STREET. THE PETITION SHALL DEFINE THE PORTION OF THE STREET FOR WHICH THE REQUEST FOR A TRAFFIC CALMING DEVICE IS MADE. THE PETITION MUST BE SIGNED BY AT LEAST 75% OF THE HOMEOWNERS OF THE PROPERTIES THAT:

- (A) FRONT THE STREET FOR WHICH THE TRAFFIC CALMING DEVICE IS REQUESTED, AND
- (B) ARE LOCATED WITHIN 500 FEET OF THE REQUESTED INSTALLATION SITE.

(2) IF A TRAFFIC CALMING DEVICE IS REQUESTED FOR AN INTERSECTION, THE PETITION MUST BE CIRCULATED TO THE HOMEOWNERS OF ALL PROPERTIES

FACING ON INTERSECTING STREETS WITHIN 500 FEET OF THE REQUESTED INSTALLATION SITE.

(3) THE TOWN CLERK SHALL REVIEW THE PETITION TO DETERMINE THE TOTAL NUMBER OF ELIGIBLE HOMEOWNERS ON THE STREET(S) AND SHALL COMPUTE THE PERCENTAGE OF HOMEOWNERS SIGNING THE PETITION. IF THAT PERCENTAGE IS 75% OR GREATER, THE TOWN CLERK SHALL VALIDATE THE PETITION AND INFORM THE MAYOR AND COUNCIL THAT A PETITION HAS BEEN VALIDATED FOR THE INSTALLATION OF A TRAFFIC CALMING DEVICE AT A PARTICULAR LOCATION.

(4) A PREVIOUS PETITION MADE IN THE SAME AREA AFTER A PRIOR REFUSAL BY THE TOWN TO INSTALL TRAFFIC CALMING DEVICES SHALL NOT BE CONSIDERED BY THE TOWN WITHOUT FINDINGS THAT THE TRAFFIC CONDITIONS, VOLUMES OR OTHER RELEVANT FACTORS HAVE MATERIALLY CHANGED.

B. TO ASSIST HOMEOWNERS IN PETITIONING FOR TRAFFIC CALMING DEVICES, THE TOWN CLERK IS AUTHORIZED TO DISTRIBUTE A STANDARD PETITION FORM.

**§ 9-404 REVIEW OF PETITION BY TRAFFIC TOWN ENGINEER.**

A. UPON RECEIPT OF A VALIDATED PETITION, THE TOWN TRAFFIC ENGINEER OR OTHER TOWN AUTHORIZED PERSON SHALL EVALUATE THE PETITION AND CONDUCT ALL NECESSARY STUDIES. A REPORT SHALL BE ISSUED BY THE TOWN TRAFFIC ENGINEER OR OTHER AUTHORIZED PERSON WITHIN 90 DAYS OF RECEIPT OF A VALIDATED PETITION. UPON REQUEST, THIS TIME FRAME MAY BE EXTENDED BY THE MAYOR AND COUNCIL. THE REPORT SHALL, IF WARRANTED, CONTAIN A RECOMMENDED TRAFFIC CALMING METHOD AND A RECOMMENDED INSTALLATION SITE. THE REPORT SHALL TAKE INTO CONSIDERATION ANY HILL, CURVE OR STREET CONDITION THAT MAY AFFECT THE PLACEMENT OF THE TRAFFIC CALMING DEVICE. IN ADDITION, THE TOWN TRAFFIC ENGINEER OR OTHER AUTHORIZED PERSON WILL INCLUDE ESTIMATED COSTS FOR THE RECOMMENDED SOLUTION OR SOLUTIONS, SO THAT THE COST EFFECTIVENESS OF SUCH SOLUTIONS CAN BE EVALUATED.

**§ 9-405 PUBLIC HEARING; CRITERIA FOR EVALUATING REQUESTS.**

A. CONDUCT OF PUBLIC HEARING.

(1) UPON RECEIPT OF THE COMPLETED REPORT, THE MAYOR AND COUNCIL SHALL SCHEDULE A PUBLIC HEARING TO SOLICIT THE OPINIONS OF THE TOWN'S RESIDENTS.

(2) THE PUBLIC HEARING SHALL BE ADVERTISED IN THE TOWN NEWSLETTER.

(3) AFTER CONDUCTING THE PUBLIC HEARING, THE MAYOR AND COUNCIL SHALL ANNOUNCE ITS DECISION WITHIN 45 DAYS OF THE CLOSE OF THE HEARING RECORD. THIS TIME MAY BE EXTENDED BY MAJORITY VOTE OF THE COUNCIL.

(4) THE MAYOR AND COUNCIL MAY APPROVE, APPROVE WITH MODIFICATIONS OR DENY THE REQUEST FOR THE INSTALLATION OF A TRAFFIC CALMING DEVICE.

(5) THE TOWN CLERK SHALL NOTIFY THE PETITIONERS OF THE MAYOR AND COUNCIL'S DECISION, WHICH SHALL ALSO BE PUBLISHED IN THE NEWSLETTER.

B. GUIDELINES FOR EVALUATING A REQUEST FOR THE INSTALLATION OF A TRAFFIC CALMING DEVICE. PETITIONS REQUESTING THE INSTALLATION OF A TRAFFIC CALMING DEVICE SHALL BE EVALUATED IN ACCORDANCE WITH THE STANDARDS ESTABLISHED BY THE STATE HIGHWAY ADMINISTRATION AND THE INSTITUTE OF TRAFFIC ENGINEERING GUIDELINES. THE FOLLOWING CRITERIA ARE INTENDED TO FURTHER GUIDE THE MAYOR AND COUNCIL IN DETERMINING WHETHER A REQUEST FOR A TRAFFIC CALMING DEVICE IS REASONABLE AND JUSTIFIED. THESE SHALL NOT BE CONSIDERED EXCLUSIVE CRITERIA:

(1) THE STREET PROPOSED FOR A TRAFFIC CALMING DEVICE HAS AN IDENTIFIED SPEEDING PROBLEM WHICH CANNOT BE ALLEVIATED ANY OTHER WAY THAN BY A TRAFFIC CALMING DEVICE. SUCH A PROBLEM CAN BE IDENTIFIED THROUGH A COMBINATION OF RESIDENT COMPLAINTS, POLICE RADAR SURVEILLANCE AND TICKETING PRACTICES AND THE HISTORY OF THE PREVIOUS EFFORTS TO CONTROL SPEEDING ON THE STREET. TRAFFIC CALMING DEVICES WILL ONLY BE INSTALLED TO ADDRESS DOCUMENTED SAFETY OR TRAFFIC CONCERNS SUPPORTED BY TRAFFIC ENGINEERING STUDIES. DEVICES CAN BE IMPLEMENTED INDIVIDUALLY OR IN CONJUNCTION WITH OTHER TRAFFIC CALMING MEASURES DEPENDING UPON AREA CONDITIONS AND CHARACTERISTICS.

(2) THE STREET CARRIES A HIGHER VOLUME OF NONRESIDENTIAL TRAFFIC THAN WOULD NORMALLY BE EXPECTED. STREETS CONSIDERED FOR TRAFFIC CALMING MUST BE PRIMARILY RESIDENTIAL WITH A MAJORITY OF RESIDENTIAL HOMES AND DRIVEWAYS FRONTING ON THE STREET.

(3) THE INSTALLATION OF TRAFFIC CALMING DEVICES SHALL BE ASSESSED FOR THEIR POTENTIAL IMPACT ON PUBLIC TRANSPORTATION, FIRE AND RESCUE OPERATIONS AND STREET MAINTENANCE OPERATIONS, E.G., STREET SWEEPING AND SNOW PLOWING.

(4) THE POTENTIAL IMPACT OF TRAFFIC CALMING DEVICES ON ADJACENT NEIGHBORHOODS SHALL BE ASSESSED.

(5) SPEED HUMPS MAY BE CONSIDERED WHEN 15% OF THE TOTAL VOLUME OF THE TRAFFIC IS EXCEEDING THE POSTED SPEED LIMIT BY FIVE MILES PER HOUR OR MORE.

(6) IF A PROBLEM IS DETERMINED DURING THE ENGINEERING STUDY, THE DEPARTMENT OF PUBLIC WORKS WILL CONSULT WITH THE HOMEOWNERS OF THE PARTICULAR STREET AND DEVELOP A PLAN FOR THE TYPE AND LOCATION OF TRAFFIC CALMING DEVICES.

(7) THE COSTS OF A RECOMMENDED SOLUTION OR SOLUTIONS BY THE TRAFFIC ENGINEER OR OTHER AUTHORIZED PERSON SHOULD BE EVALUATED BY THE COUNCIL.

**§ 9-406 REMOVAL OR ALTERATION OF DEVICES.**

UPON REQUEST OF THE 75% OF THE HOMEOWNERS OF PROPERTY FACING ON THE STREET WITHIN 500 FEET OF A TRAFFIC CALMING DEVICE, AT LEAST SIX MONTHS FOLLOWING THE INSTALLATION OF THE TRAFFIC CALMING DEVICE, THE MAYOR AND COUNCIL SHALL CONSIDER REMOVING OR ALTERING THE TRAFFIC CALMING DEVICE. THE REQUEST FOR REMOVAL OR ALTERATION MUST BE MADE BY PETITION SUBJECT TO THE PROCEDURES SET FORTH IN THIS ARTICLE.

**§ 9-407 AUTHORITY OF THE TOWN.**

A. THE MAYOR AND COUNCIL MAY INITIATE THE INSTALLATION, ALTERATION OR REMOVAL OF TRAFFIC CALMING DEVICES AT ANY TIME AS THEY DEEM APPROPRIATE.

B. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS PREEMPTING THE MAYOR AND COUNCIL FROM INSTALLING, ALTERING, MAINTAINING OR REMOVING A TRAFFIC CALMING DEVICE. TOWN RESIDENTS WILL HAVE AN OPPORTUNITY TO COMMENT ON ANY PROPOSED INSTALLATION, CHANGE OR REMOVAL BY THE MAYOR AND COUNCIL AT A PUBLIC MEETING PRIOR TO ADOPTION.

C. IF BY DECISION OF THE MAYOR AND COUNCIL, A SPECIFIC TRAFFIC CALMING DEVICE IDENTIFIED IN A PETITION IS DEEMED INAPPROPRIATE FOR THE LOCATION OR PURPOSE, OTHER SPEED CONTROL DEVICES MAY BE SUBSTITUTED.

Section 2. Be it further resolved that this resolution shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park, Maryland. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any

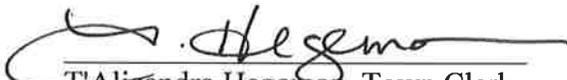
reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

Section 3: Be it further resolved that a complete and exact copy of this proposed Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

APPROVED this 9<sup>th</sup> day of March, 2023

ATTEST:

MAYOR AND COMMON COUNCIL  
TOWN OF UNIVERSITY PARK

  
Alicandra Hegeman, Town Clerk

By:   
Joel Biermann (Mar 9, 2023 15:45 EST)  
Joel T. Bierman, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Suellen M. Ferguson, Town Attorney

# LR 23-O-2 Traffic Calming

Final Audit Report

2023-03-09

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