

O-04-2024 An Ordinance of the City of Glenarden for the Purpose of Amending Chapter 149, Vehicles and Traffic, Article II, Traffic Regulations as Article II Provides for Traffic Monitoring Systems

City Council of the City of Glenarden, Maryland

2024 Legislation

Ordinance No: O-04-2024
Sponsor: Derek Curtis, II, Council President
Co-Sponsor: At the Request of Administration
Public Hearing: January 9, 2024 and February 13, 2024
Regular Session: January 16, 2024 and February 20, 2024
Date of Introduction: January 2, 2024

An Ordinance of the City of Glenarden for the Purpose of Amending Chapter 149, Vehicles and Traffic, Article II, Traffic Regulations as Article II Provides for Traffic Monitoring Systems

WHEREAS, the City of Glenarden is a municipal corporation of the State of Maryland, 15 and operating under Article XI-E of the Constitution of Maryland and §5-202 of the Maryland Code as amended; and

WHEREAS, the Maryland Code, Local Government Article, Section 5-202, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality, to protect and preserve the municipality's rights, property and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the municipality; and

WHEREAS, §21-809 of the Transportation Article, Maryland Code, as amended, authorizes the city to operate a speed monitoring system to enforce the speed limit in school zones within the city; and

WHEREAS, § 21-202.1 of the Transportation Article, Maryland Code as amended, authorizes the city to operate a traffic control signal monitoring system; and

WHEREAS, on May 30th, 2021, the General Assembly of Maryland enacted HB 619 (CH. 447 of the 2021 Laws of Md.) now codified in Transportation Article ("TR"), § 21-809(b)(1)(vi)1 authorizing, in addition to designated school zones, the placement of speed monitoring systems (also known as speed cameras) in Prince George's County on highways in residential districts with a maximum posted speed limit of 35 miles per hour to be effective on October 1st, 2021; and

WHEREAS, pursuant to TR § 21-101(s), the term "residential district" is defined as "an area that: (1) is not a business district; and (2) adjoins and includes a highway

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where the property along the highway, for a distance of at least 300 feet, is improved mainly with residences or residences and buildings used for business;" and

WHEREAS, Title 21 of the Transportation Article of The Maryland Code (hereinafter, "the Code") authorizes and empowers the City of Glenarden to implement and use a speed monitoring system and red-light photo enforcement systems that are consistent with the requirements of Title 21, Subtitles 2, and the Transportation Article of the Code on a public highway; AND

WHEREAS, it is the belief and understanding of the City Council that speed monitoring systems will advance public safety and welfare, and red-light enforcement systems strategically placed in designated areas will advance the safety of the motoring public; and

WHEREAS, it is in the public interest that the city adopts such enforcement mechanisms for increased public safety; and

WHEREAS, it is appropriate to authorize the Chief of the City's Police Department to determine appropriate school and residential speed enforcement zones and red-light enforcement locations to be approved by the City Council:

SECTION 1. NOW, THEREFORE BE IT REVOLVED AND ORDAINED, by the City Council of Glenarden, Maryland, that Chapter 149 Vehicles and Traffic, Article II, Traffic Regulations, is amended as follows to include the repeal and reenactment of § 149-14.1, and the addition of §§ 149-14.2, -14.3, -14.4, and -14.5 all as set forth below.
§ 149-14.1. TRAFFIC MONITORING SYSTEMS.

(A) Definitions.

In sections 149-14.1, 14-2, 14-3, AND 14.4, the following words and/or phrases have the meanings indicated.

DEPARTMENT: The Glenarden Police Department.

ERRONEOUS VIOLATION: A potential violation submitted by a speed monitoring system contractor as defined in the Transportation Article of the Maryland Code at § 21-809(a)(3).

OWNER: The registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of six months or more, except that "owner" does not include:

- (1) A motor vehicle rental or leasing company; or
- (2) A holder of a special registration plate issued under Maryland Code Transportation Article, Title 13, Subtitle 9, Part III.

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PROGRAM ADMINISTRATOR: A City employee or representative designated by the Chief of Police to oversee the contract with the speed monitoring system contractor.

SCHOOL ZONE: A designated roadway segment with a posted speed limit of at least 20 miles per hour and located within up to a half-mile radius of a school for any of grades kindergarten through grade 12 where school-related activity occurs as further defined in the Transportation Article of the Maryland Code, § 21-809(a)(7).

RECORDED IMAGE: An image recorded by a speed monitoring system on a photograph, a microphotograph, an electronic image, a videotape, or any other medium, and showing:

- (1) The rear of a motor vehicle;
- (2) At least two time-stamped images of the motor vehicle that include the same stationary object near the motor vehicle; and
- (3) On at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

RESIDENTIAL DISTRICT: an area that: (i) is not a business district as defined in TR Art., § 21-101 of the Maryland Code; and (ii) contains and includes a highway where the property along the highway for a distance of at least 300 feet, is improved mainly with residences or residences and buildings used for business.

SPEED MONITORING SYSTEM: A device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12 miles per hour above the posted speed limit.

SPEED MONITORING SYSTEM OPERATOR: A representative of the Department or a contractor that operates a speed monitoring system.

(B) Establishment of school and residential zones; installation of traffic control devices.

(1) The Council, by ordinance or resolution, following reasonable notice to the public and a public hearing, may establish a school zone or a residential district on any road under the City's jurisdiction or with permission of the county or State Highway Administration on any county or state road within 1/2 mile of a school or within a residential district and, for any school zone or residential district so established, shall set a maximum speed limit, as permitted by law, provided that the designation of such school zone or residential district and the maximum speed limit set for such zone or district shall not become effective until the City install signs designating the school zone or residential district and indicating the maximum speed limit applicable in the school zone or residential district located in the City of Glenarden.

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(2) The City may install or erect traffic control devices in the designated school zone or residential district in addition to the signs required by Subsection (B)(1) and (3), including timed flashing warning lights and including a speed monitoring system as defined in Subsection (A) of this section.

(3) If the City moves or places a mobile or stationary speed monitoring system to or at a location where a speed monitoring system had not previously been moved or placed, the City may not issue a citation for a violation recorded by that speed monitoring system:

- (a) Until signage is installed in accordance with Subsection (C); and
- (b) For at least the first 15 calendar days after the signage is installed.
- (c) This provision is not applicable to a handheld unit directly operated by a police officer

(C) Notice Requirements.

Before activating a speed-monitoring system or changing an existing speed-monitoring system from a school zone to a residential district designation with a longer or modified daily activation period, the Chief of Police or their designee shall:

- (1) Publish notice of the location of the speed-monitoring system on the City's website and in a newspaper of general circulation in the city; and
- (2) Ensure that each sign that designates a school zone or residential district is proximate to a sign that indicates that speed-monitoring systems are in use in the school zone or residential district and is in accordance with the Manual for and the specifications for a uniform system of traffic control devices adopted by the State Highway Administration.

(D) School Zone Operational Times.

A speed-monitoring system in a school zone may operate only Monday through Friday between 6:00 a.m. and 8:00 p.m.

(E) Speed Monitoring System Operator Requirements.

In addition to all other requirements set forth by State law and or contract, a speed monitoring system operator shall:

- (1) Complete training by a manufacturer of speed monitoring systems in the process for setting up and operating the speed monitoring system.

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(2) Fill out and sign a daily setup log for a speed monitoring system that states that the speed monitoring system operator successfully performed the manufacturer-specified self-test of the speed monitoring system prior to producing a recorded image.

(3) The daily set-up log required by Subsection E (2) of this section shall be kept on file and shall be admitted as evidence in any court proceeding for a violation of this section.

(F) Speed Monitoring System Manufacturer Requirements.

In addition to all other requirements set forth by State law and or contract, a speed monitoring system manufacturer shall issue a signed certificate to the speed monitoring system operator on completion of the training, which certificate shall be admitted as evidence in any court proceeding for a violation of this section.

(G) Calibration.

In addition to all other requirements set forth by State law and or contract,
(1) A speed monitoring system shall undergo an annual calibration check performed by an independent calibration laboratory.

(2) The independent calibration laboratory shall issue a signed certificate of calibration after the annual calibration check, which shall be kept on file and shall be admitted as evidence in any court proceeding for a violation of this section.

(H) Penalty for Certain violations

In addition to the penalties set forth in § 149-14-4, the following penalty provisions apply.

(1) Unless a driver of a motor vehicle received a citation from a police officer at the time of a violation, the owner or, in accordance with Subsection K (4) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a speed monitoring system while being operated at least 12 miles per hour above the posted speed limit.

(2) The penalty for a violation established by a speed monitoring system under this subsection shall be \$40.

(I) Citation and warning notice.

(1) Subject to the provisions of Subsection I (2) through (4) of this section, the Department shall mail to an owner liable under Subsection H of this section a citation,

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upon a form to be prescribed by the District Court of Maryland, that shall include the information required by the Maryland Code, Transportation Article, § 21-809.

(2) The Department may mail a warning notice instead of a citation to the owner liable under Subsection H of this section and, for a period of 30 days after the City installs the first speed monitoring system, the Department shall mail only a warning notice and may not issue a citation.

(3) Except as provided in Subsection K (4) of this section, the City may not mail a citation to a person who is not an owner.

(4) Except as provided in Subsection K (4) of this section, a citation issued under this section shall be mailed no later than two weeks after the alleged violation if the vehicle is registered in this state, and 30 days after the alleged violation if the vehicle is registered in another state.

(5) A person who receives a citation under Subsection I (2) of this section may:

(a) Pay the civil penalty, in accordance with instructions on the citation, directly to the City; or

(b) Elect to stand trial in the District Court for the alleged violation.

(J) Certificate alleging violation; presence and testimony of operator; adjudication.

(1) A certificate alleging that the violation of this section occurred and satisfying the requirements of Maryland Code, Transportation Article, § 21-809(e)(1), shall be evidence of the facts contained in the certificate and shall be admissible in a proceeding alleging a violation under this section without the presence or testimony of the speed monitoring system operator.

(2) If a person who received a citation under Subsection H of this section desires the speed monitoring system operator to be present and testify at trial, the person shall notify the Court and the state, in writing, no later than 20 days before trial.

(3) Adjudication of liability shall be based on a preponderance of evidence.

(K) Defense of violation.

(1) Pursuant to Maryland Code, Transportation Article, § 21-809, the District Court may consider in defense of a violation:

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(a) Subject to Subsection K (2) of this section, that the motor vehicle or the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of violation;

(b) Subject to Subsection K (3) of this section, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and

(c) Any other issues and evidence that the District Court deems pertinent.

(2) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner.

(3) To satisfy the evidentiary burden under Subsection K(1)(b) of this section, the person named in the citation shall provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

(a) States that the person named in the citation was not operating the vehicle at the time of the violation; and

(b) Includes any other corroborating evidence.

(4) Vehicle operator to receive citation

(a) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under Subsection K (3) of this section identifying the person driving the vehicle at the time of the violation, the Clerk of the Court shall provide to the Department a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(b) On receipt of substantiating evidence from the District Court under Subsection K (4) of this section, the Department may issue a citation as provided in Subsection I of this section to the person who the evidence indicates was operating the vehicle at the time of the violation.

(c) A citation issued under Subsection K (4) of this section shall be mailed no later than two weeks after receipt of the evidence from the District Court.

SECTION 149-14.2 TRAFFIC SIGNAL MONITORING SYSTEMS.

(A) The City Council Authorizes the Chief of Police to erect and to operate, through City employees or a duly authorized and qualified agent, one or more traffic signal control devices as:

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authorized by section TR Art. § 21-202.1 of the Maryland Code (the "enabling act").

(B) The civil penalty shall be paid to the City of Glenarden, and all unpaid violations may be forwarded for collection actions, except that, in a contested case before the District Court of Maryland, the penalty shall be collected by the District Court in accordance with §7-302(a) of the Courts and Judicial Proceedings Article of the Maryland Code and distributed in accordance with §12-118 of the Transportation Article of the Maryland Code, as any of the foregoing may be amended from time to time.

(C) The City Council Authorizes the Chief of Police to charge an administrative fee or fees for the costs of notifying the Maryland Motor Vehicle Administration of violations not contested or paid within 30 days of their date of issuance and an additional administrative fee for the issuance to the Maryland Motor Vehicle Administration of any other notice or release requested in connection with uncontested or unpaid violations

(D) A violation which has been timely contested and thereafter ruled upon by the District Court of Maryland to have been correctly and the fee later not timely paid shall be subject to any administrative fees as set by the City Council and provided in section 149-14.5

SECTION 149-14.3 DESIGNATION OF SCHOOL ZONES, RESIDENTIAL DISTRICTS AND RED-LIGHT CAMERA INTERSECTIONS.

(A) As referenced in Section 149-14.1(B), and to the extent it does not conflict with State law, the Council may designate certain roadways to be designated as within a school zone further defined as a designated roadway segment of up to a half-mile radius from of a school for any grades kindergarten through grade 12 where school-related activity occurs, including travel by students to or from school on foot or by bicycle, or the dropping off or picking up of students by school buses or other vehicles on any county, municipal, or state road, and further approves and authorizes the use of mobile or stationary red light camera systems provided for red light camera enforcement at signalized intersections within the municipality; School Zone Established 1)Martin Luther King, Jr. Highway (MD 704), Judge Sylvania W. Woods, and Glenarden Woods Elementary.

(B) As referenced in 149-14.1(B), the Council may designate certain roadways to be designated as residential districts as defined in 149-14.1(a) should a designated residential district also include a school zone, then the speed camera designation that affords the greater level and duration of protection to the public shall control provided that segment of roadway meets the proper definition said residential districts are initially designated as follows: (1) all qualified municipal, county, or state roadways within the jurisdictional boundaries of the City of Glenarden to protect the health,

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welfare, and safety of the residents of the City of Glenarden 2) any roadways already designated as a school zones.

(C) The intersections designated for the deployment of traffic control signal monitoring system(s) are as follows: 1) Glenarden Parkway at Brightseat Road, Martin Luther King Jr. Hwy and Glenarden Parkway, Brightseat and Ardwick Ardmore Rd, Martin Luther King Jr. Hwy and Ardwick Ardmore Rd 2) any other roadway or location as required to protect the health, welfare, and safety of the residents of the City of Glenarden as recommended by the Chief of Police and approved by the City Council.

149-14.4 RED LIGHT CAMERA ENFORCEMENT PROGRAM (TRAFFIC MONITORING SYSTEMS).

(A) The use of red-light cameras for traffic control is authorized at locations within the city as determined by the Chief of Police and approved by the City Council

(B) The city may enter into appropriate agreements with any qualified vendors for the furnishing of labor, equipment, and maintenance related to the installation and operation of a red-light camera enforcement program. The Chief of Police is authorized to negotiate with such duly qualified vendors, provided that no agreement for such labor, equipment, or maintenance shall be effective until first having been duly approved by the City Council.

(C) The City's red light camera enforcement program shall be conducted in compliance with all applicable provisions of Transportation Article, § 21-202.1, of the Maryland Code, as amended from time to time, and all other applicable laws.

(D) Unless the driver of a motor vehicle recorded by a red light camera in violation of Transportation Article, § 21-202.1, of the Maryland Code, as amended from time to time, received a citation from a police officer at the time of the violation, the owner or, in accordance with transportation article, § 21-202.1(g)(5), of the Maryland Code, as amended from time to time, the operator of the subject vehicle shall be guilty of a municipal infraction and subject to a civil penalty of \$75.00. The city may also collect those administrative fees set forth in § 149-14.2(C) related to the implementation of a red-light camera enforcement program within the city.

SECTION 149-14.5 Penalties; fees.

(A) Civil violations.

(1) A violation of any City speed monitoring system shall be deemed a civil infraction pursuant to § 21-809 of the Transportation Article of the Maryland Code, and the penalty shall be a fine of \$40.

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(2) A violation of section 149-14.2 (traffic signal monitoring systems) shall be deemed a civil infraction pursuant to § 21-202.1(g)(5) of the Transportation Article of the Maryland Code, and the penalty shall be a fine of \$75.00 and distributed in accordance with §12-118 of the Transportation Article of the Maryland Code, as any of the foregoing may be amended from time to time.

(3) MVA Flagging Fee for Unpaid Speed, Red-Light or Parking Citation: \$35.00

(4) Returned Check Fee for Unpaid Citation: \$35.00.

(5) If a speed camera or red-light camera citation has not been paid in 30 days, the fee shall double, and if not paid in 60 days, the fee shall double again for each speed and red-light violation.

(6) If a speed camera, red-light camera, or parking violation citation/violation has not been paid after 90 days, it shall be forwarded to a bona fide collection agency and a collection fee of \$40.00 shall be assessed to each violation in a default or collections status.

SECTION 2. BE IT ORDAINED AND ENACTED that any prior ordinances adopting and enacting any provision of 149-14.1 of said Code or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this ordinance or the provisions found herein shall be deemed repealed and superseded by the provisions of this ordinance. Should a previously enacted ordinance cover a provision or subject that is not covered by this ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this ordinance; and

SECTION 3. BE IT FURTHER ORDAINED AND ENACTED that this ordinance shall take effect twenty (20) calendar days following adoption by the City Council, having been passed by the required yeas and nays votes of the Council of the City of Glenarden; and

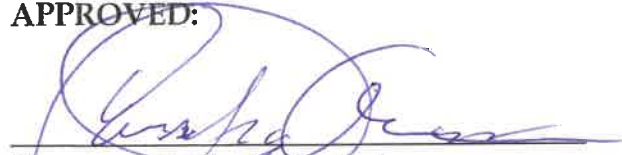
SECTION 4. BE IT FURTHER ORDAINED AND ENACTED that upon passage, the City Clerk shall cause a summary of this ordinance to be published at least twice in the City newsletter and twice in a newspaper having general circulation within the City of Glenarden; and

BE IT FURTHER ORDAINED, by the City Council of Glenarden, Maryland, on **February 20, 2024**, that this ordinance is and shall become effective twenty days following passage by the Council.

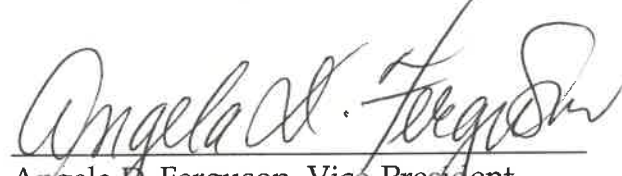
BE IT FURTHER ORDAINED AND ENACTED by the Council of the City of Glenarden that this Ordinance shall become effective twenty days after adoption or upon passage by the Council over the Mayor's veto, whichever is later. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance 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 City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

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APPROVED:


Cashenna A. Cross, Mayor

The City Council of Glenarden, by and through the City Council


Derek D. Curtis, II, Council President
Angela D. Ferguson, Vice-President

Absent

Erika L. Fareed, Councilwoman
Kathleen J. Guillaume, Councilwoman
Maurice A. Hairston, Councilman

Approved

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James A. Herring, Councilman



Robin Jones, Councilwoman

ATTEST:



Beverly K. Habada, City Manager

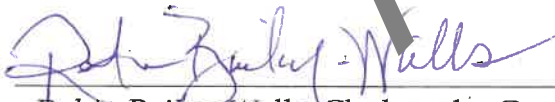
CERTIFICATION

I HEREBY CERTIFY, that on the 20th day of February 2024

with

- Yes
 No, and
 Abstention(s)

that the Ordinance was Approved



Robin Bailey-Walls, Clerk to the Council

Approved