

**BOARD OF
COMMISSIONERS FOR
THE
THE TOWN OF UPPER MARLBORO**

ORDINANCE: 2021-06
SESSION: Regular Town Meeting
INTRODUCED: November 23, 2021

AN ORDINANCE OF THE TOWN OF UPPER MARLBORO AMENDING ORDINANCE 2018-02 ADOPTED AND AMENDED HEREIN FOR THE PURPOSE OF ESTABLISHING AND AUTHORIZING THE USE OF SPEED MONITORING SYSTEMS IN THE TOWN OF UPPER MARLBORO BY ADOPTING PROVISIONS GOVERNING SPEED MONITORING SYSTEMS, IN ORDER TO AUTHORIZE THE IMPLEMENTATION OF SUCH SYSTEMS IN DESIGNATED SCHOOL ZONES AND RESIDENTIAL DISTRICTS AS PLACES WHERE SUCH SYSTEMS MAY BE DEPLOYED TO REGULATE TRAFFIC, BY RATIFYING THE PENALTY FOR A SPEED LIMIT VIOLATION RECORDED BY SAID SYSTEMS, AND THE MEANS FOR PROCESSING CITATIONS FOR SPEED LIMIT VIOLATIONS RECORDED BY A SPEED MONITORING OR RED LIGHT SYSTEM; BY DEFINING RESIDENTIAL DISTRICTS; BY RE-AUTHORIZING THE TOWN TO USE AND ENFORCE CITATIONS ISSUED BY A SPEED MONITORING SYSTEM OR A RED-LIGHT ENFORCEMENT SYSTEM AND THE PENALTIES RELATED THERETO; MANDATING A CERTAIN PERIOD OF TIME DURING WHICH VIOLATIONS MAY BE ENFORCED USING A SPEED ENFORCEMENT SYSTEM AND RED-LIGHT ENFORCEMENT SYSTEM; BY REQUIRING THE TOWN TO COMPLY WITH CERTAIN STATE LAW FOR USE OF THESE SYSTEMS; BY DEFINING CERTAIN TERMS; BY REQUIRING CERTAIN REPORTS TO BE FILED; AND GENERALLY RELATING TO THE REGULATION AND CONTROL OF VEHICLES AND TRAFFIC AND THE USE OF TECHNOLOGY TO REGULATE TRAFFIC AND IMPROVE PUBLIC SAFETY IN THE TOWN.

WHEREAS, the Board of Commissioners finds that driving in excess of posted speed limits, and failing to stop at red lights is a major cause of accidents, injuries and death; and

WHEREAS, traditional enforcement of red light violations, and posted speed limits in the vicinity of schools, homes and school areas requires that law enforcement enter traffic and stop a motorist in order to cite that motorist as a violator; however, traffic volume and safety considerations limits the number of violators apprehended to a fraction of those in violation of posted speed limits or traffic control signal, and risks injury to the law enforcement officers, pedestrians and public, especially in the vicinity of schools and residential areas; and

CAPITALS : Indicate matter to be added to existing law (Ord. 2018-02)
[Brackets] : Indicate matter to be deleted from existing law (Ord. 2018-02)
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

WHEREAS, traffic studies indicate that the presence of speed cameras and red-light cameras has contributed to as much as an 80% - 90% decrease in the number of drivers running red lights, and exceeding the speed limit by 12 miles per hour or more in the vicinity of schools; and

WHEREAS, these “Safety for Students,” “Red-Light Enforcement” and similar programs are hereby created or ratified by the Commissioners of the Town of Upper Marlboro, Maryland with a goal to increase safety for the motoring public as well as for residents, students, parents, and teaching staff around schools and homes with the use of automated speed enforcement; and

WHEREAS, Title 21 of the Transportation Article of the Maryland Annotated Code (hereinafter, the “Code”), authorizes and empowers the Commissioners of the Town of Upper Marlboro, Maryland (hereinafter, the “Board of Commissioners”) 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 8 of the Transportation Article of the Code on a public highway;

WHEREAS, Maryland Annotated Code, Transportation Article, §21-803.1 allows School Zones and Areas, as defined herein, to be established within a one-half mile radius of any accredited public, parochial or private learning institution for one or more grades kindergarten through 12; and

WHEREAS, The Board of Commissioners for the Town of Upper Marlboro previously approved Ordinance 2018-02 (Automated Traffic Enforcement) which shall remain in effect except as amended hereinbelow; and

WHEREAS, upon due consideration of the comments of the public and staff and in furtherance of the public health, safety and welfare, the Board of Commissioners finds that it is in the best interest of the public health, safety and welfare of the citizens of the Town of Upper Marlboro, Maryland to adopt and establish school and residential zones and authorize the use of speed monitoring systems within school zones and residential districts, and a red-light photo enforcement program; and

WHEREAS, the Board of Commissioners requires that appropriate signage shall be erected in accordance with the manual for and the specifications for a uniform system of traffic control devices adopted by the State Highway Administration before activating an unmanned stationary speed monitoring system, if not already in place, at each School Zone and Residential District and publish the location of the unmanned stationary speed monitoring system on the Town of Upper Marlboro Website, and in a newspaper of record, as required by law; and

CAPITALS : Indicate matter to be added to existing law (Ord. 2018-02)
[Brackets] : Indicate matter to be deleted from existing law (Ord. 2018-02)
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

WHEREAS, the Board finds that speed monitoring systems include a law enforcement officer handheld and triggered, IACP approved, laser based digital imaging enforcement system (a.k.a. a handheld speed safety camera) capable of capturing high resolution images and videos of vehicles violating preset speed limits may be used in a roadway segment designated as a residential district or school zone of up to half-mile radius 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 that no additional signage is necessary if utilizing the above mentioned devices; and

WHEREAS, as prescribed by law, reasonable notice of the use of Speed Monitoring Systems shall be provided through advertisement in a newspaper of general circulation in Upper Marlboro and the Town's website at least fifteen (30) days prior to the activation of an unmanned speed monitoring system in a School Zone for the first time or a red-light photo enforcement program; and.

WHEREAS, §21-809 was amended by the State Legislature to be effective in October, 2021, to authorize municipalities in Prince George's County to further place speed cameras on highways in residential districts with a maximum posted speed limit of 35 miles per hour, as was previously authorized for Montgomery County, Maryland.

NOW, THEREFORE, the Board of Commissioners of the Town of Upper Marlboro, State of Maryland, does ordain and re-enact Ordinance 2018-02, as changed or amended herein below:

Section 1: Speed Monitoring Systems

- (A) In this section, the following words have the meanings indicated.
- (1) 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:
- (a) A motor vehicle rental or leasing company; or
 - (b) A holder of a special registration plate issued under Md. Code Ann., Transp. Art., Title 13, Subtitle 9, Part III.
- (2) DEPARTMENT — The Upper Marlboro Police Department.
- (3) ERRONEOUS VIOLATION — A potential violation submitted by a speed monitoring system contractor as defined in the Transportation Article of the Annotated Code of Maryland, § 21-809(a)(3).
- (4) PROGRAM ADMINISTRATOR — A Town employee or representative designated by the Chief of Police to oversee the contract with the speed monitoring system contractor.
- (5) RESIDENTIAL DISTRICT—AN AREA THAT:
- (A) IS NOT A BUSINESS DISTRICT; AND

CAPITALS : Indicate matter to be added to existing law (Ord. 2018-02)
[Brackets] : Indicate matter to be deleted from existing law (Ord. 2018-02)
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

(B) ADJOINS 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; AND

(C) HAS A SPEED LIMIT ESTABLISHED USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES.

(6) 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 Annotated Code of Maryland, § 21-809(a)(7).

(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:

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

(8) 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.

(9) SPEED-MONITORING SYSTEM OPERATOR — A representative of the Department or a designated person that operates a speed monitoring system.

(B) Notice.

(1) The Board of Commissioners, by ordinance or resolution, following reasonable notice to the public and a public hearing, may establish a school zone OR RESIDENTIAL DISTRICT on any road under the Town'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 IN 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 shall not become effective until the Town installs 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 Town of Upper Marlboro.

(2) The Town 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 Town 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 Town may not issue a citation for a violation recorded by that speed monitoring system:

CAPITALS : Indicate matter to be added to existing law (Ord. 2018-02)
[Brackets] : Indicate matter to be deleted from existing law (Ord. 2018-02)
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

- (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) Before activating a speed-monitoring system, the Chief of Police or their designee shall:

- (1) Publish notice of the location of the speed-monitoring system on the Town's website and in a newspaper of general circulation in the Town; 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) 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) The designated ombudsman.

(1) The Chief shall designate an official or employee to investigate and respond to questions or concerns about the speed monitoring system program.

(a) The local designee or ombudsman shall review a citation generated by a speed monitoring system if the person who received the citation requests review before the deadline for contesting liability under this section.

(b) If said designee determines that the citation is an erroneous violation, the designee shall void the citation.

(c) If said designee determines that a person did not receive notice of a citation issued under this section due to an administrative error, the designee may resend the citation in accordance with Subsection (I) of this section or void the citation.

(d) Should said designee take any action described under this subsection, they shall notify the speed monitoring system contractor and/or the motor vehicle administration of the action for the purpose of rescinding any administrative penalties or fees that may have been imposed under this section.

(2) The designee may not be employed by the speed monitoring system contractor or have been involved in any review of a speed monitoring system citation, other than a review of a citation under this Subsection [~~(N)~~ of this section].

(3) On receipt of a written question or concern from a person, the local designee shall provide a written answer or response to the person within a reasonable time.

(4) The designee or the Town Clerk shall make any written questions or concerns received under this subsection, and any subsequent written answers or responses, available for public inspection.

CAPITALS	:	Indicate matter to be added to existing law (Ord. 2018-02)
[Brackets]	:	Indicate matter to be deleted from existing law (Ord. 2018-02)
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

Section 2: Traffic Control Signal Monitoring Systems

(A) The use of traffic control signal monitoring systems also known as red light cameras for traffic control are authorized at locations within the Town as determined by the Chief of Police subject to approval by the Board. The red-light camera locations shall include, but not be limited to, the traffic signals at the intersections indicated in Section 6 of this Ordinance.

Section 3: Speed Monitoring System Penalties; Use of Revenue

(A) A civil penalty in the amount of \$40 per violation is hereby established for speed monitoring system violations, subject to an additional late fee if not paid within thirty (30) days after the issuance of the citation. The penalty shall be paid to the Town of Upper Marlboro, and all unpaid violations shall be forwarded for collections 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 Annotated Code and §21-809 of the Transportation Article of the Maryland Annotated Code and distributed in accordance with §12-118 of the Transportation Article of the Maryland Annotated Code, as any of the foregoing may be amended from time to time.

(B) Revenue received by the Town from this “Safety for Students” OR OTHER SUCH program shall first be used to recover the costs of implementing and administering the “Safety for Students” OR SUCH OTHER program. Any remaining balance shall be used for public safety purposes as permitted by State law and as set forth in the annual budget adopted by the Board of Commissioners.

Section 4: Red-Light Enforcement Penalties

A civil penalty in the amount of \$70 per violation is hereby established for traffic control signal monitoring system or red-light camera violations. The penalty shall be paid to the Town of Upper Marlboro, and all unpaid violations shall be forwarded for collections 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 Annotated Code and §21-809 of the Transportation Article of the Maryland Annotated Code and distributed in accordance with §12-118 of the Transportation Article of the Maryland Annotated Code, as any of the foregoing may be amended from time to time.

Section 5: Administrative fees; Referral for collection

-
- CAPITALS : Indicate matter to be added to existing law (Ord. 2018-02)
 - [Brackets] : Indicate matter to be deleted from existing law (Ord. 2018-02)
 - Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

(A) In addition to any fees as established elsewhere in this Ordinance, the Board of Commissioners hereby imposes and may collect administrative fees related to the implementation of a program of speed enforcement using speed monitoring systems in school zones, RESIDENTIAL DISTRICTS or red-light cameras within the Town of Upper Marlboro including a late fee of \$40 which shall be assessed for any fines paid more than 30 days from the date of issuance of a speed camera or red-light citation.

(B) Where any fees or fines are assessed or imposed in accordance with this Ordinance, and where such fees or fines are unpaid and outstanding for 30 or more days, the Town, in its sole and absolute discretion and to the extent permitted by law, may refer such debt to a collection agency or an attorney for collection. For all accounts referred to a collection agency or an attorney for collection, such accounts shall be subject to a collection fee not to exceed two times the outstanding debt or the total sum indebted to the Town, whichever is greater. The Town may alternatively or further elect to file a civil suit against the debtor to recover such outstanding and unpaid fees or fines.

Section 6: Designation of School Zones; RESIDENTIAL DISTRICTS and Red-Light Camera Intersections

(A) The Board of Commissioners for the Town of Upper Marlboro, Maryland, shall designate certain roadways to be designated a RESIDENTIAL DISTRICT OR 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 red light camera systems provided for red light camera enforcement at signalized intersections within the municipality.

(B) The initial roadways designated as a School Zone are as follows: (1) School Lane from Old Crain Highway To Wilson Lane, And (2) Maryland Route 725 (Old Marlboro Pike) from Marlborough Drive To Elm Street.

(C) The initial intersection(s) designated for deployment of traffic control signal monitoring system(s) are as follows: (1) Main and Water Streets, and (2) Main Street and Governor Oden Bowie Drive.

(D). THE TOWN BOARD OF COMMISSIONERS MAY FURTHER ESTABLISH AND DESIGNATE OR REMOVE DESIGNATIONS OF SCHOOL ZONES, RESIDENTIAL DISTRICTS AND RED-LIGHT CAMERA INTERSECTIONS BY RESOLUTIO

CAPITALS : Indicate matter to be added to existing law (Ord. 2018-02)
[Brackets] : Indicate matter to be deleted from existing law (Ord. 2018-02)
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that said Board may set the fines, penalties, and fees associated with violating this Ordinance from time to time by resolution.


AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that any prior ordinances adopting and enacting any provision of this Ordinance 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 in conflict herein shall be deemed repealed and superseded by the provisions of this Ordinance, and 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 BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Board of Commissioners.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.




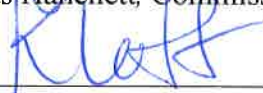
Adopted this 14th day of December, 2021.

ATTEST:


Clerk: John Hoatson
Date: December 14, 2021



THE TOWN OF UPPER MARLBORO


Sarah Franklin, President

Janice Duckett, Commissioner

Thomas Hanchett, Commissioner

Karen Lott, Commissioner

Vacant, Commissioner

- CAPITALS : Indicate matter to be added to existing law (Ord. 2018-02)
- [Brackets] : Indicate matter to be deleted from existing law (Ord. 2018-02)
- Asterisks * * * : Indicate that text is retained from existing law but omitted herein.