

Amending § 9-109 Speed monitoring systems
Sponsored by: Councilmember Wells

EMERGENCY LEGISLATIVE RESOLUTION 20-O-08

Resolution and Ordinance of the Town of University Park to amend Chapter 9 “Traffic and Vehicles”, by enacting §9-109, “Speed monitoring system” of the Code of Ordinances of the Town of University Park, to conform the Town code language with that of amended §21-809, Transportation Article, Annotated Code of Maryland, to include mobile in addition to stationary cameras, and to include zones within ½ mile of an institute of higher education.

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

WHEREAS, §21-809 of the Transportation Article, Annotated Code of Maryland, as amended, authorizes the Town to operate a speed monitoring system to enforce the speed limit within ½ mile of an institution of higher education; 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, pursuant to §21-809, as amended, the Town has adopted this enforcement mechanism to operate a speed monitoring system to enforce the speed limit in school zones for increased public safety; and

WHEREAS, the Mayor and Common Council have determined that it is in the public interest to adopt this enforcement mechanism to operate a speed monitoring system to enforce the speed limit within ½ mile of an institution of higher education for increased public safety; and

WHEREAS, §21-809 was amended by the State Legislature; and

WHEREAS, it is appropriate to conform the Town code language with that of amended §21-809.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of University Park, Maryland that Chapter 9 “Vehicles and Traffic”, §9-109 "Speed monitoring system", be, and is hereby amended to read as follows:

§9-109 Speed monitoring system IN SCHOOL ZONES AND WITHIN ONE-HALF MILE OF AN INSTITUTION OF HIGHER EDUCATION

The Town and its police department are authorized to operate a speed monitoring system to enforce the speed limit pursuant to § 21-809, Transportation Article, Annotated Code of Maryland, as amended, IN SCHOOL ZONES AND WITHIN ONE-HALF MILE OF AN INSTITUTION OF HIGHER EDUCATION.

B. Before activating a ~~non-unmanned-stationary~~ speed monitoring system, the Town shall:

(1) Publish notice of the location of the speed monitoring system on its website and in a newspaper of general circulation in the Town.

(2) Ensure that each SPEED LIMIT sign ~~[that]~~ APPROACHING AND WITHIN AN INSTITUTE OF HIGHER EDUCATION ZONE, AND EACH SPEED LIMIT SIGN THAT designates a school zone IS PROXIMATE TO A SIGN THAT:

(A) indicates that speed monitoring systems are in use in THE school OR INSTITUTE OF HIGHER EDUCATION zone~~[s-]~~; AND

(B) IS IN ACCORDANCE WITH THE MANUAL FOR AND THE SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES ADOPTED BY

THE STATE HIGHWAY ADMINISTRATION UNDER §25-104 OF THE
TRANSPORTATION ARTICLE, ANNOTATED CODE OF MARYLAND.

C. A speed monitoring system in a school zone may operate only Monday through Friday between 6:00 a.m. and 8:00 p.m. A SPEED MONITORING SYSTEM IN A ZONE WITHIN ONE-HALF MILE OF AN INSTITUTION OF HIGHER EDUCATION MAY OPERATE 24 HOURS PER DAY, SEVEN DAYS PER WEEK.

D. For a period of at least 30 days after the first speed monitoring system is placed in the Town, a violation recorded by any speed monitoring system may be enforced only by issuance of a warning. THEREAFTER, IF THE TOWN MOVES OR PLACES A MOBILE OR STATIONARY SPEED MONITORING SYSTEM WHERE A SPEED MONITORING SYSTEM HAS NOT PREVIOUSLY BEEN PLACED, THE TOWN MAY NOT ISSUE A CITATION FOR A VIOLATION RECORDED BY THAT SPEED MONITORING SYSTEM:

(1) UNTIL SIGNAGE IS INSTALLED IN ACCORDANCE WITH SUBSECTION B OF THIS SECTION; AND

(2) FOR AT LEAST THE FIRST 15 CALENDAR DAYS AFTER THE SIGNAGE IS INSTALLED.

E. The Town Council is hereby authorized to designate school speed enforcement zones AND ZONES WITHIN ONE-HALF MILE OF AN INSTITUTION OF HIGHER LEARNING consistent with this section by resolution.

Section 2. Be it further resolved that the Common Council has determined that it is necessary that this Ordinance be effective immediately and it is therefore adopted as an emergency measure pursuant to section 311(a) of the Town Charter.

Section 3. Be it further resolved that this ordinance shall become effective immediately after enactment by the Mayor and Common Council of University Park. 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 4: 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 14th day of September, 2020

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

Andrea D. Marcavitch
Andrea D. Marcavitch, Town Clerk

By: Lenford C. Carey
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: Suellen Ferguson
Suellen M. Ferguson, Town Attorney

TUP Adopted 20-O-08 Emergency Amendment of Chapter 9 Speed Zones Final

Final Audit Report

2020-09-15

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