



Effective: September 4, 2018

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW CARROLLTON
AMENDING THE CODE OF THE CITY OF NEW CARROLLTON, CHAPTER 110
“VEHICLES AND TRAFFIC” TO DELETE §110-4.G “SPEED CAMERA ENFORCE-
MENT” AND TO ADD §110-5 “SPEED MONITORING PROGRAM” TO CLARIFY
THE CITY’S SPEED MONITORING PROGRAM**

WHEREAS, the City Council of the City of New Carrollton (the “City Council”), a body politic and corporate in the State of Maryland is authorized by the Annotated Code of Maryland Transportation Article, Title 21 “Vehicle-Laws – Rules of the Road,” Subtitle 8 – Speed Restrictions,” §21-809 “Speed Monitoring Systems” to adopt an ordinance establishing a speed monitoring program within its jurisdiction under certain circumstances and conditions; and

WHEREAS, the City Council adopted Ordinance No. 10-2 adopting City Code, §110-4.G. “Speed enforcement cameras”; and

WHEREAS, the City Council is in the process of reviewing the City Code and making updates and amendments as it deems necessary; and

WHEREAS, the City Council has reviewed §110-4.G and has decided to repeal the provision and re-enact it, with amendments, as a new section of the City Code, §110-5 “Speed Monitoring Program” so that it is easily located.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of New Carrollton that Chapter 110 “Vehicles and Traffic” of the City Code, §110-4 “Traffic control devices” be and hereby is amended to read as follows:

§110-4 Traffic control devices.

* * *

[G. Speed enforcement cameras.

(1) Speed camera enforcement, using a mobile speed camera system, is authorized at locations within the City as determined by the Chief of Police, with the concurrence of the City Council. After the first speed camera system is placed in the City, if the City moves or places a mobile or stationary speed monitoring system to or at a location where one had not previously been moved or place, the City cannot, for a period of at least thirty (30) calendar days, enforce a violation recorded by such system by any means other than the issuance of a warning.

(2) The Council approves and authorizes the City to use a mobile speed camera system for speed camera enforcement within the City. The Mayor is authorized to enter into appropriate agreements, or amend the existing agreement with a selected vendor for the furnishing of speed camera services associated with the speed camera enforcement program.

(3) The speed camera enforcement program in the City shall be conducted in compliance with all applicable provisions of the Maryland Vehicle Law, specifically including Maryland Transportation Code Annotated, § 21-809.]

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of New Carrollton that Chapter 110 "Vehicles and Traffic" of the City Code, §110-5 "Speed monitoring program" be and hereby is enacted to read as follows:

§110-5 Speed monitoring program.

A. Definitions. In this section, the following words have the meanings indicated.

Additional terms contained in this section that are defined in Md. Code Ann., Transp. Art., Title 21, §21-809, shall have the meaning ascribed to them therein.

(1) "Owner" means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 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" means the New Carrollton Police Department.

(3) "Recorded Image" means 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.

(4) "Speed Monitoring System" means 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.

(5) "Speed Monitoring System Operator" means a representative of the Department or a contractor that operates a speed monitoring system.

B. The City Council, by Resolution, following reasonable notice to the public and a

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public hearing, may establish a school zone on any road under the City's jurisdiction within one-half mile of a school and, for any school zone so established, shall set a maximum speed limit, provided that the designation of such school zone and the maximum speed limit set for such zone shall not become effective until the City installs signs

designating the school zone and indicating the maximum speed limit applicable in the school zone. In addition, the City may install or erect traffic control devices in the designated school zone, including timed flashing warning lights and including a Speed Monitoring System as defined in Subsection A of this Section.

C. Before activating an unmanned stationary speed monitoring system, the City 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 indicates that a Speed Monitoring System is in use in the school zone.

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. A Speed Monitoring System Operator shall:

- (1) Complete training by a manufacturer of Speed Monitoring Systems in the procedures for setting up and operating the Speed Monitoring System.
- (2) Fill out and sign a daily set-up 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 Paragraph (2) of this Subsection shall be kept on file and shall be admitted as evidence in any court proceeding for a violation of this Section.

F. 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. A Speed Monitoring System shall undergo an annual calibration check performed by an independent calibration laboratory, which shall issue a signed certificate of calibration after the annual calibration check. The certificate of calibration shall be kept on file and shall be admitted as evidence in any court proceeding for a violation of this Section.

H. 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 twelve miles per hour above the posted speed limit. The penalty for a violation established by a Speed Monitoring System under this Subsection shall be as set forth in the City's Schedule of Fines and Penalties.

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I. (1) Subject to the provisions of Paragraphs (2) through (4) of this Subsection, the Department shall mail to an owner liable under Subsection H of this Section a citation, upon a form to be prescribed by the District Court of Maryland, that shall include the information required by the MD. Code Ann., Transp. Art., Section 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 thirty (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 2 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 Paragraph (1) of this Subsection may pay the civil penalty, in accordance with instructions on the citation, directly to the City; or elect to stand trial in the District Court for the alleged violation.

J. A certificate alleging that the violation of this Section occurred and satisfying the requirements of MD. Code Ann., Transp. Art., Section 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. 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.

Adjudication of liability shall be based on a preponderance of evidence.

K. (1) Pursuant to MD. Code Ann., Transp. Art., Section 21-809, the District Court may consider in defense of a violation:

(a) Subject to Subparagraph K(2) of this Subsection, 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 Subparagraph K(3) of this Subsection, 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

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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 Subparagraph K(1)(b) of this Subsection, 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) (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 Subparagraph K(3) of this Subsection 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 Subparagraph (4) of this Paragraph, 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 Subparagraph (k)(4) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.

L. Pursuant to MD. Code Ann., Transp. Art., Section 21-108, if a person liable under this Section does not pay the civil penalty or contest the violation, the Maryland Motor Vehicle Administration:

(1) May refuse to register or reregister the motor vehicle cited for the violation; or

(2) May suspend the registration of the motor vehicle cited for the violation.

M. Pursuant to MD. Code Ann., Transp. Art., Section 21-108, a violation for which a civil penalty is imposed under this Section:

(1) Is not a moving violation for the purpose of assessing points under MD. Code Ann., Transp. Art., Section 16-402;

(2) May not be recorded by the Motor Vehicle Administration on the driving record of the owner or driver of the vehicle;

(3) May be treated as a parking violation for purposes of MD. Code Ann., Transp. Art., Section 26-305; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

INTRODUCED BY THE CITY COUNCIL OF THE CITY OF NEW CARROLLTON,
MARYLAND ON THE 18th DAY OF JULY, 2018.

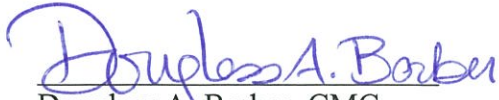
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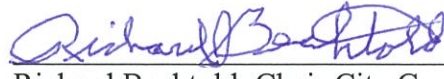
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ADOPTED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF NEW CARROLLTON
ON THE 15th DAY OF AUGUST, 2018.

Attest:

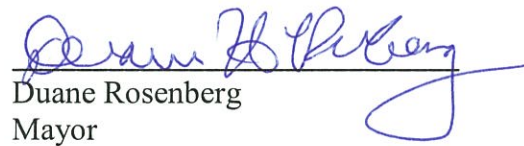
CITY OF NEW CARROLLTON


Douglass A. Barber, CMC
City Clerk


Richard Bechtold, Chair City Council

Date: August 15, 2018

Approved:


Duane Rosenberg
Mayor

Date: August 15, 2018

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