

TOWN OF CHEVERLY
ORDINANCE No.: 2023-01

**AN ORDINANCE OF THE MAYOR AND COUNCIL AMENDING CHAPTER
27 “VEHICLES AND TRAFFIC” OF THE TOWN CODE BY REPEALING,
REENACTING AND AMENDING §27-2, “SPEED LIMITS AND SPEED
MONITORING” TO AUTHORIZE THE PLACEMENT OF SPEED CAMERAS IN THE
TOWN ON HIGHWAYS IN RESIDENTIAL DISTRICTS WITH A MAXIMUM POSTED
SPEED LIMIT OF 35 MILES PER HOUR**

WHEREAS, pursuant to The Local Government Article of the Maryland Annotated Code, §5-202 grants to municipal corporations of the State of Maryland, including the Town of Cheverly, the power to protect the health, comfort and convenience of their citizens; and

WHEREAS, the Mayor and Town Council has previously passed an ordinance pursuant to §21-809 of the Transportation Article to enable automated speed monitoring systems; and

WHEREAS, §21-809 was amended by the General Assembly to authorize municipalities in Prince George’s County to place speed cameras on highways in residential districts with a maximum posted speed limit of 35 miles per hour; and

WHEREAS, the Mayor and Town Council have determined this expanded authority will promote the health, safety and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED and ENACTED by the Mayor and Town Council, in regular session assembled, that Section 27-2 of the Cheverly Code be repealed and reenacted with amendments as follows:

Sec. 27-2. - Speed limits and speed monitoring devices.

- a) Speed limits. No person shall drive a vehicle upon a highway, street or roadway within the corporate limits of the Town of Cheverly at a greater speed than is reasonable and prudent, having due regard to the traffic surface and width of the highway, and hazards at intersections and any other condition then existing. The speed of any vehicle on any highway, street or roadway shall not exceed twenty (20) miles per hour, except as may otherwise be indicated by official signs of the Maryland State Motor Vehicle Administration or the Town of Cheverly for the particular district, location or conditions.

b) Speed monitoring systems.

1. A "speed monitoring system," as defined in Maryland law, means a device with one (1) or more motor vehicle sensors producing recorded images of motor vehicles traveling at least twelve (12) miles per hour above the posted speed limit.
2. []Speed monitoring systems are hereby authorized at locations, determined by the Chief of Police or his/her designee, in school zones OR ON HIGHWAYS IN RESIDENTIAL DISTRICTS WITH A MAXIMUM POSTED SPEED LIMIT OF 35 MILES PER HOUR within the Town, as established under §§ 21-803.1 AND 21-809(b)(1)(vi) of the Transportation Article of the Annotated Code of Maryland. IN MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY, ON A HIGHWAY IN A RESIDENTIAL DISTRICT, AS DEFINED IN § 21-101 OF THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND, WITH A MAXIMUM POSTED SPEED LIMIT OF 35 MILES PER HOUR, WHICH SPEED LIMIT WAS ESTABLISHED USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES.
3. Before activating any school OR RESIDENTIAL zone speed monitoring system(s) AT ANY LOCATION WHERE SUCH A SYSTEM HAD NOT BEEN PREVIOUSLY MOVED OR PLACED, the Town shall:
 - a. Publish notice of the location(s) of the speed monitoring system(s) on the Town website and in a newspaper of general circulation within the Town; and
 - b. Ensure that each sign that designates a school zone or RESIDENTIAL ZONE has in close proximity to it a sign that indicates that speed monitoring systems are in use in THE school zones or RESIDENTIAL ZONE and that the signage is in accordance with the manual and the specifications for a uniform system of traffic control devices adopted by the State Highway Administration.
4. A speed monitoring system may operate IN A SCHOOL ZONE Monday through Friday between 6:00 a.m. and 8:00 p.m., OR ON A HIGHWAY IN A RESIDENTIAL DISTRICT WITH A MAXIMUM POSTED SPEED LIMIT OF 35 MILES PER HOUR MAY BE OPERATED 24 HOURS PER DAY, SEVEN DAYS PER WEEK.
5. For a period of at least fifteen (15) days after the any speed monitoring system is placed in the Town AND THE SIGNAGE AS REQUIRED BY §21-809 of the

Transportation Articles are in place, a violation recorded by any speed monitoring system in the Town shall be enforced only by the issuance of a warning.

6. The speed monitoring system in the Town shall be conducted in compliance with all applicable provisions of the Maryland Vehicle Law.
7. The areas in Town of Cheverly within one-half (1/2) mile of the schools listed below shall be school zones:
Gladys Noon Spellman Elementary, 3324 64th Avenue;
Judith P. Hoyer Early Learning Center, 2300 Bellview Avenue;
St. Ambrose School, 6310 Jason Street;
Bladensburg High School, 4200 57th Avenue, Bladensburg, Maryland;
Fairmount Heights High School, 1410 Nye Street, Capitol Heights, Maryland.
8. The town shall name an employee as a program administrator to oversee the contract with the speed monitoring system contractor and shall also name another town employee who has not been involved in monitoring system citations, to investigate and respond to questions or concerns about the town's speed monitoring systems as outlined in §-809(b)(1)(ix) of the Transportation Article.

AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

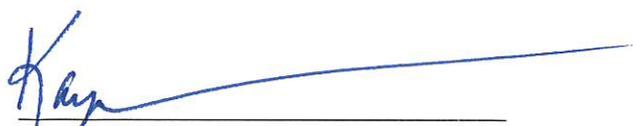
AND BE IT FURTHER ORDAINED that this Ordinance shall take effect thirty (30) days from the date of its adoption; provided, however that a fair summary of the Ordinance is published at least once in a newspaper of general circulation in the Town of Cheverly.

INTRODUCED by the Town Council of the Town of Cheverly, Maryland, at a regular public meeting on January 26, 2023.

ADOPTED by the Town Council of the Town of Cheverly, Maryland, at a regular public meeting on May 11, 2023.

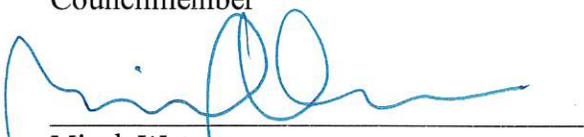
ADOPTED: 5-11-2023

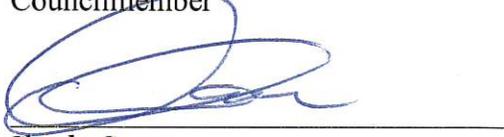
Attest: 


Kayce Munyeneh
Mayor

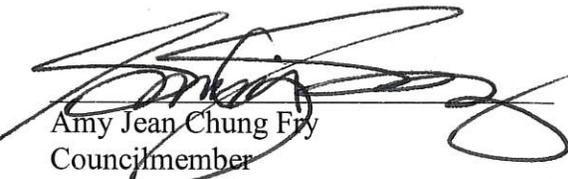

Christopher R. Wade
Councilmember


Joseph Dalaker
Councilmember


Micah Watson
Councilmember


Charly Garces
Councilmember


Nicole Bryner
Councilmember


Amy Jean Chung Fry
Councilmember

Asterisks * * * * Indicate matter remaining unchanged in existing law but not set forth in Ordinance. CAPS indicate additions.