

ORDINANCE O-5-14

Code of the Town of Cheverly

An Ordinance whereby the Mayor and Council updates its speed monitoring system Ordinance to conform to recent State regulations.

WHEREAS, Maryland Annotated Code, The Local Government Article, Section 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 have passed an ordinance pursuant to §21-809 of the Transportation Article to enable automated speed monitoring systems.

WHEREAS, the Mayor and Town Council deem it in the best interest of its citizens to update its legislation to conform to recently enacted changes to §21-809 regarding signage, notice and administration.

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IT ORDAINED by the Mayor and Town Council, in regular session assembled, that Section 27-2(b) of the Cheverly Code be repealed and reenacted with amendments as follows:

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

- *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.

Charter reference—~*Authority to regulate speed of vehicles, § C-23A(22).*

- *Speed monitoring systems.*
- 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.
- School zone speed monitoring systems are hereby authorized at locations, determined by the Chief of Police or his/her designee, in school zones within the Town, as established under § 21-803.1 of the Transportation Article of the Annotated Code of Maryland.
- Before activating any school 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 HAS IN CLOSE PROXIMITY TO IT A SIGN THAT indicates that speed monitoring systems are in use in THE school zones AND THAT THE SIGNAGE IS IN ACCORDANCE WITH THE MANUAL FOR AND THAT THE SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES ADOPTED BY THE STATE HIGHWAY ADMINISTRATION.
 - The school zone speed monitoring system may operate Monday through Friday between 6:00 a.m. and 8:00 p.m.
 - For a period of at least thirty (30) FIFTEEN (15) days after the first ANY speed monitoring system is placed in the Town AND THE SIGNAGE AS REQUIRED BY §21-809 OF THE TRANSPORTATION ARTICLE ARE IN PLACE, a violation recorded by any speed monitoring system in the Town shall be enforced only by the issuance of a warning.
 - The school zone speed monitoring system in the Town shall be conducted in compliance with all applicable provisions of the Maryland Vehicle Law.

- The areas in Town of Cheverly within one-half (½) 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.

- **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 Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on _____, 2014, at which meeting copies were available to the public for inspection.

ADOPTED by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on _____, 2014, at which meeting copies were available to the public for inspection.