

ORDINANCE NO. 2024-03

Town of Rising Sun
Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, AMENDING AND ADDING LANGUAGE TO CHAPTER 4, TITLED TRAFFIC, VEHICLES AND TRANSPORTATION OF THE CODE OF ORDINANCES OF THE TOWN OF RISING SUN, FOR THE PURPOSE OF ADDING A NEW ARTICLE TO ADDRESS THE CREATION OF A SCHOOL ZONE SPEED CAMERA SAFETY PROGRAM, AND TO REPEAL ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

WHEREAS the Town, located in Cecil County, Maryland is a municipality organized under the provisions of the Maryland Constitution and governed under the provisions of the Local Government Article of the Annotated Code of Maryland; and

WHEREAS the Town is proclaimed as a perpetual entity with the right to pass laws; and

WHEREAS, the Code of Ordinances of the Town, contains Chapter 4, titled TRAFFIC, VEHICLES AND TRANSPORTATION, which establishes the general guidelines associated with the proper flow and movement of vehicles upon the town streets, and the parking of such vehicles on any public streets and or municipal lots within the town; and

WHEREAS, the Town has identified and documented concerns raised by the community about vehicles speeding in and around our schools; and

WHEREAS, driving in excess of posted speed limits is a major cause of accidents, injuries and death; and

WHEREAS, traditional enforcement of posted speed limits in the vicinity of schools requires that law enforcement enter traffic and stop a motorist in order to cite that motorist as a violator, but traffic volume and safety considerations limit the number of violators apprehended to a fraction of those in violation of posted speed limits and risk injury to the law enforcement officers, pedestrians and public, especially in the vicinity of schools during school hours; and

WHEREAS, traffic studies indicate that the presence of speed cameras has contributed to a decrease in the number of drivers exceeding the speed limit by 12 miles per hour or more in the vicinity of schools; and

WHEREAS, Title 21, §21-803.1 of the Transportation Article of the Annotated Code of Maryland allows School Zones, hereinafter defined, 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, §21-809 of the Transportation Article of the Annotated Code of Maryland authorizes and empowers the Commissioners of the Town of Rising Sun (hereinafter, the “Commissioners”) to implement and use a Speed Monitoring System consistent with the requirements of Title 21, Subtitle 8 of the Transportation Article of the Annotated Code of Maryland upon reasonable notice to the public and a public hearing; and

WHEREAS, the “School Zone Speed Camera Safety Program” is hereby created by the Commissioners of the Town of Rising Sun with a goal of increasing safety for students around schools with the use of automated speed enforcement; and

WHEREAS, the Town of Rising Sun has advised that Speed Monitoring Systems strategically placed in areas where students typically cross the street and where the traffic studies indicated a higher occurrence of speeding drivers will advance the “School Zone Speed Camera Safety Program”; and

WHEREAS, a notice of a public hearing was advertised on August 7, 2024, and August 21, 2024 in The Cecil Whig, a newspaper of general circulation in Town of Rising Sun, and a public hearing was held on August 22, 2024 to receive public comment and consider the adoption of the School Zone Speed Camera Safety Program Ordinance; and

WHEREAS, upon due consideration of the comments of the public and staff and in furtherance of the public health, safety, and welfare, the Commissioners find that it is in the best interest of the public health, safety, and welfare of the citizens of Town of Rising Sun, Maryland to establish school zones and Speed Monitoring Systems within School Zones; and

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Commissioners of the Town of Rising Sun that a School Zone is hereby designated upon that portion of each Town Road within a half-mile radius of an accredited public, parochial, or private learning institution for one or more grades kindergarten through 12; and

BE IT FURTHER ORDAINED by the Commissioners of the Town of Rising Sun that signage shall be erected, if not already in place, at each School Zone in conformance with guidance issued by the Maryland State Highway Administration, as amended from time to time; and

BE IT FURTHER ORDAINED by the Commissioners of the Town of Rising Sun that this School Zone Speed Camera Safety Program shall be implemented and regulated in the Town’s Code of Ordinances as follows:

SECTION 1

The Code of Ordinances for the Town of Rising Sun contains Chapter 4 titled TRAFFIC, VEHICLES AND TRANSPORTATION. This Chapter will be amended as follows:

Amendment 1

Chapter 4 contains Article 6 titled PENALTIES which shall be renumbers Article 7 with the titled to remain.

Amendment 2

A newly revised Article 6 Titled SCHOOL ZONE SPEED CAMERA SAFETY PROGRAM shall be inserted and shall read as follows:

Section 4-601. Definitions.

- A. Terms used in this Chapter that are defined in § 21-809 of the Transportation Article of the Annotated Code of Maryland, as may be amended from time to time, shall have the same meanings in this Chapter.
- B. “Designated” means that the School Zone: (1) is established by official action by the entity that owns the highway containing the segment; and (2) is appropriately signed in conformance with the Maryland Manual on Uniform Traffic Control Devices and guidance issued by the Maryland State Highway Administration.
- C. “School” is an accredited public, parochial, or private learning institution for one or more grades kindergarten through grade 12 where school-related activity occurs.
- D. “School zone” means a designated roadway segment within up to a half-mile radius of a school for any of grade’s kindergarten through grade 12 where school-related activity occurs, including:
 - i. Travel by students to or from school on foot or by bicycle; or
 - ii. The dropping off or picking up of students by school buses or other vehicles.
- E. “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.
- F. “Speed Monitoring System Operator” means a representative of the Town of Rising Sun’s Office or contractor that operates a Speed Monitoring System.

Section 4-602. School Zone.

A School Zone is hereby designated upon that portion of each Town road being a half-mile radius from the boundary of a School, measured upon the centerline of the street.

Section 4-603. Speed Monitoring System.

- A. In accordance with § 21-809 of the Transportation Article of the Annotated Code of Maryland, the use of Speed Monitoring Systems within School Zones with a posted speed limit of at least 20 miles per hour within the Town of Rising Sun is authorized.
- B. A Speed Monitoring System in a School Zone may operate only Monday through Friday between 6:00 a.m. and 8:00 p.m.

Section 4-604. Speed Monitoring System Operator.

- A. The Town of Rising Sun shall designate one or more officers as a Speed Monitoring System Operator but may enter into an Agreement to supply and maintain Speed Monitoring Systems.
- B. The Speed Monitoring System Operator shall comply with the training, daily set-up log, and other requirements of § 21-809 of the Transportation Article of the Annotated Code of Maryland, as amended.

Section 4-605. Calibration of Speed Monitoring Systems.

Each speed monitoring system shall undergo an annual calibration check performed by an independent calibration laboratory that is:

- 1. Selected by the Town; and
- 2. Unaffiliated with the manufacturer of the speed monitoring system as required by §21-809 of the Transportation Article of the Annotated Code of Maryland, as amended.

Section 4-606. Notice.

- A. Before activating a Speed Monitoring System in a School Zone, the Town shall:
 - i. Publish notice of the location of the Speed Monitoring Systems in a newspaper of general circulation in the Town of Rising Sun and on the Town of Rising Sun Government website for at least fifteen (15) calendar days; and
 - ii. Provide signs designating a School Zone and indicating the use of Speed Monitoring Systems as required by § 21-809 of the

Transportation Article of the Annotated Code of Maryland, as amended from time to time.

- B. If a mobile or stationary Speed Monitoring System is moved to or placed at a location where a Speed Monitoring System had not previously been moved or placed, a citation may not be issued for a violation recorded by that Speed Monitoring System:
 - i. Until signage is installed in accordance with paragraph (b) of this Section; and
 - ii. For at least the first 15 calendar days after such signage is installed.

Section 4-607. Citation & Penalties.

If a driver isn't directly cited by a police officer at the time of the violation, then the vehicle's owner – or the driver, as specified under § 21-809 of the Transportation Article of the Annotated Code of Maryland (as updated) – will face a civil penalty according to this Chapter's penalties section if the vehicle is caught speeding by a Speed Monitoring System in violation of this Chapter's rules.

Section 4-608. Revenues.

Revenue received by the Town from this School Zone Speed Camera Safety Program shall first be used to recover the costs of implementing and administering the School Zone Speed Camera Safety Program. Any remaining balance shall be used for public safety purposes as set forth in the annual budget adopted by the Commissioners of the Town of Rising Sun.

Section 4-609. Program Administrator.

- A. The Program Administrator shall oversee a contract with the Speed Monitoring System Contractor
- B. The Program Administrator, as required by § 21-809(b)(5) of the Transportation Article, of the Annotated Code of Maryland, as amended, shall be the Chief of Police, or such other person as designated by the Town of Rising Sun from time to time, but who may not be an employee or representative of Speed Monitoring System Contractor.
- C. The Program Administrator shall comply with the training requirements as required by § 21-809(b)(6) of the Transportation Article, of the Annotated Code of Maryland, as amended.

Section 4-610.

Local Designee.

- A. The Town of Rising Sun shall designate an official or employee to investigate and respond to questions or concerns about the Speed Monitoring System Program (“Local Designee”).
- B. The Local Designee may not be employed by a Speed Monitoring System contractor or have been involved in any review of a Speed Monitoring System citation, other than review of a citation under this section.
- C. Review.
 - i. The Local Designee 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 Chapter.
 - ii. If the Local Designee determines that the citation is an Erroneous Violation, the local designee shall void the citation.
 - iii. If the Local Designee determines that a person did not receive notice of a citation issued under this Chapter due to an administrative error, the local designee may resend the citation in accordance with §21-809 of the Transportation Article of the Annotated Code of Maryland, as amended, or void the citation.
 - iv. The Local Designee that takes any action described under Subparagraph (c) of this Section shall notify the Administration of the action for the purpose of rescinding any administrative penalties imposed.
 - v. The Local Designee may not determine that a citation is an erroneous violation based solely on the dismissal of the citation by a court.
- D. Response to Questions or Concerns.
 - i. 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.
 - ii. Any written questions or concerns received under this subparagraph and any subsequent written answers or responses available for public inspection.

Section 4-611. Authority to Develop Procedures, Policies, and Regulations.

The Program Administrator, in consultation with other offices and departments of the Town, may develop further procedures, policies and regulations to implement this School Zone Speed Camera Safety Program in accordance with § 21-809 of the Transportation Article of the Annotated Code of Maryland, as amended, and this Chapter.

Section 4-612. Reports.

The Program Administrator shall file an annual report with the Commissioners of the Town of Rising Sun and the Maryland Police Training and Standards Commission by October 31st each year as required by §21-809(k)(2) of the Transportation Article of the Annotated Code of Maryland, as amended. The report shall include:

- A. The total number of citations issued;
- B. The number of citations issued and the number voided as erroneous violations for each camera;
- C. The gross revenue generated by the program;
- D. The expenditures incurred by the program;
- E. The net revenue generated by the program;
- F. The total amount of any payments made to a contractor under the program;
- G. A description of how the net revenue generated by the program was used;
- H. The number of employees of the local jurisdiction involved in the program;
- I. The type of speed monitoring system used by the local jurisdiction;
- J. The locations at which each speed monitoring system was used in the local jurisdiction;
- K. The activation start and stop dates of each speed monitoring system for each location at which it was used; and
- L. The number of citations issued by each speed monitoring system at each location.

Section 4-613. Conflict of Laws/Maryland Law Controls.

- A. It is the intent of this Chapter to implement and exercise the use of Speed Monitoring Systems in School Zones as authorized by § 21-809 of the Transportation Article of the Annotated Code of Maryland, as amended.
- B. The provisions of this Chapter are in addition to and not a substitute for any and all of the provisions of Subtitle 8 of Title 21 of the Transportation Article, as amended, which are hereby incorporated herein by reference.
- C. In the event of any conflict between the provisions of this Chapter and the incorporated provisions of Subtitle 8 of Title 21 of the Transportation Article, the provisions of Subtitle 8 of Title 21 of the Transportation Article, as amended, shall control.

Amendment 3

The newly numbered article 6 titled PENALTIES shall read as follows:

ARTICLE 7 PENALTIES

Section 4-701. Penalty

- A. Any person violating any of the provisions of Articles 1, 2, 3, 4 and 5 of this Chapter not subject to a parking citation, shall be guilty of an infraction and shall be subject to a minimum fine of twenty-five dollars (\$25.00) for the first offense and fifty (\$50.00) for each subsequent offense, with the exception that any in person subject to an on scene or in person citation for speeding shall be subject to the penalties and fines as set forth in Subtitle 803 titled Maximum Speed Limits Altered by Local Authorities of Title 21 of the Transportation Article of the Annotated Code of Maryland.
- B. Any person found to be in violation of Article 6 shall be subject to the following penalties using the below procedures for property notification and due process.
 - i. A civil penalty in the amount of \$40 per violation is hereby established.
 - ii. The penalty shall be paid as instructed on the printed citation.
 - iii. A citation shall be mailed to an owner liable under subsection (a) of this Section a citation pursuant to § 21-809 of the Transportation Article of the Annotated Code of Maryland, as amended.
 - iv. 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 Annotated Code of Maryland and § 21-809 of the Transportation Article of the Annotated Code of Maryland and distributed in accordance with § 12-118 of the Transportation Article of the Annotated Code of Maryland, as any of the foregoing may be amended from time to time.

- v. Failure to pay the civil penalty or to contest liability in a timely manner:
 - v.1 Is an admission of liability; and
 - v.2 May result in the refusal by the Maryland Motor Vehicle Administration to register the motor vehicle; and
 - v.3 May result in the suspension of the motor vehicle registration.

SECTION 2.

All ordinances or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled.

SECTION 3.

Should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable for a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code text adopted hereby. The Town of Rising Sun hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

SECTION 4.

That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5.

If passed and adopted, the Rising Sun Town Clerk is hereby ordered and directed to cause this ordinance to be published in a newspaper in general circulation.

SECTION 6.

BE IT FURTHER ENACTED that for 30 days after the first Speed Monitoring System is activated pursuant to this Ordinance, a violation recorded by any Speed Monitoring System may only be enforced by the issuance of a warning; and

SECTION 7.

BE IT FURTHER ENACTED that this Ordinance shall be effective twenty (20) days after its adoption.

SECTION 8.

NOW THEREFORE BE IT RESOLVED that this ordinance was introduced on the 26th Day of March 2024 and reintroduced on this 9th day of July 2024.

SECTION 9.

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor and Commissioners of the Town of Rising Sun passed, approved and adopted this ordinance on this ____ day of ____ 2024.

AYES:

NAYES:

ABSTAIN:

THE MAYOR AND COMMISSIONERS OF
THE TOWN OF RISING SUN

BY: _____
Travis Marion, Mayor

ATTEST:

Judy C Melton
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS 22ND DAY OF AUGUST 2024

BY: _____
Jack A. Gullo, Jr., - Town Attorney

PROPOSED