

ORDINANCE NO. 2021-01

THE MAYOR AND COUNCIL OF
THE TOWN OF NEW MARKET

SPEED MONITORING SYSTEMS

WHEREAS, Section 21-809 of the Transportation Article of the Maryland Code ("the Statute"), provides for the use of photographic speed monitoring systems in certain school zones in local jurisdictions; and

WHEREAS, pursuant to public notice, the Mayor and Council have conducted a public hearing to receive public comment and to consider the enactment of this Ordinance;

NOW, THEREFORE, The Mayor and Council of The Town of New Market ordains as follows:

Section 1. Designation of School Zones. A school zone, as defined in the Statute, is hereby designated within one-half mile of the property improved by the New Market Elementary School and the New Market Middle School along the segment of Main Street situate and lying within the corporate boundary of the Town. The Mayor and Council may, by ordinance or resolution, modify the school zone created in this section, and may designate other school zones in accordance with the Statute in which speed monitoring systems may be established.

Section 2. Establishment of Speed Monitoring System. A speed monitoring system, as defined in the Statute, is hereby authorized and established in the school zone designated in Section 1 of this Ordinance.

Section 3. Establishment of Agency. The Mayor and Council may, by ordinance or resolution, designate an agency, as defined in the Statute, to implement the Statute using one or more speed monitoring systems, as defined in the Statute. The designee may be an officer or employee of the Town.

Section 4. Contracts with Speed Monitoring System Contractors. The Mayor and Council may, by ordinance or resolution, enter into one or more contracts from time to time with one or more qualified speed monitoring system contractors, as provided in the Statute, upon such terms and conditions as the Mayor and Council may determine; provided however, that no such contract may include a provision under which the contractor's fee is contingent on a per-ticket basis on the

number of citations issued or paid. Contacts established pursuant to this Section may be amended from time to time by the Mayor and Council. The speed monitoring system contractor or the agency designated under Section 3 of this Ordinance, as determined by the Town, shall be the speed monitoring system operator, as described in the Statute, shall operate the speed monitoring system in accordance with the Statute, and shall administer and process warnings and civil citations as provided in the Statute. The speed monitoring system operator shall complete the training and obtain a signed certificate of completion described in the Statute. If the speed monitoring system contractor is not a Maryland corporation or entity, it shall be qualified to do business in this State as may be required by the Corporations and Associations Article of the Maryland Code, and shall remain qualified while providing services to the Town under a speed monitoring system contract.

Section 5. Program Administrator. The Mayor and Council may by ordinance or resolution designate a program administrator, as defined in the Statute, upon terms and conditions determined by the Mayor and Council, who shall serve at the pleasure of the Mayor and Council, and who shall oversee the contract or contracts with speed monitoring system contractors on behalf of the Town. The program administrator shall participate in training programs as required in the Statute. The program administrator shall timely provide to the Maryland Police Training and Standards Commission an annual report approved by the Mayor and Council including the information required to be submitted to the Commission in the Statute. The program administrator may be an officer or employee of the Town. The program administrator shall not be an employee or representative of a speed monitoring system contractor engaged by the Town.

Section 6. Law Enforcement Officer. The Mayor and Council may employ or enter into contracts with law enforcement officers to inspect recorded images and issue signed statements that motor vehicles identified in the recorded images were being operated in violation of law.

Section 7. Warning Notices and Citations. The Town may issue or cause to be issued warning notices, civil citations, or both, and participate in judicial proceedings in the enforcement of citations as provided in the Statute. Citations issued under this section are not municipal infraction citations. The agency designated by the Mayor and Council under Section 3 or a speed monitoring system contractor designated under Section 4 of this Ordinance, as determined by the Mayor and Council, shall issue

warning letters, and administer and process civil citations issued under this section in coordination with the District Court of Maryland. The Town may commence and pursue appropriate civil proceedings in any court of competent jurisdiction in the enforcement of citations issued under this Ordinance and the collection of civil penalties and associated judgments, and may be represented in judicial proceedings by the Town Attorney or, as determined by the Mayor and Council, other legal counsel admitted to the Bar of Maryland, including counsel retained in cooperation with a speed monitoring system contractor.

Section 8. Local Designee. By ordinance or resolution, the Mayor and Council shall, from time to time, appoint a local designee, as described in the Statute, to serve at the pleasure of the Mayor and Council. The local designee shall be an official or employee of the Town. The local designee may not be employed by a speed monitoring system contractor, and shall conform to the other qualifications and limitations of appointment provided in the Statute. The local designee shall investigate and respond on behalf of the Town to questions or concerns about the speed monitoring system program, as contemplated in the Statute, perform other tasks as provided in the Statute, and have all of the duties and the powers vested in local designees in the Statute, including the power to void citations.

Section 9. Speed Monitoring System Calibration. The Town shall, from time to time, select an independent calibration laboratory to perform annual calibration checks of any speed monitoring system in use by the Town or a speed monitoring system contractor engaged by the Town, and to issue certificates of calibration in form suitable for admission as evidence in court proceedings. The calibration laboratory shall not be affiliated with the manufacturer of the speed monitoring system undergoing the calibration check.

Section 10. Signage. Prior to any activating of any speed monitoring system in the Town, signage shall be placed in compliance with the Statute. If the Town moves or places a mobile or stationary speed monitoring system to or at a location where a speed monitoring system had not previously been moved or placed, the Town may not issue a citation for a violation recorded by that speed monitoring system:

(a) until signage is installed as required in the Statute; and

(b) for at least the first 15 calendar days after the signage is installed.

Section 11. Remuneration. Each individual designated or appointed pursuant to this Ordinance shall be entitled to such monetary compensation as the Mayor and Council may determine from time to time.

Section 12. Severability. If any provision of this Ordinance is, for any reason, held to be unconstitutional or otherwise invalid or unenforceable, such decision shall not affect the validity of the remaining portions of this Ordinance. The Mayor and Council hereby declares that it would have passed this law, and each provision of this Ordinance, irrespective of the fact that any one or more of such provisions may be declared unconstitutional, invalid or unenforceable.

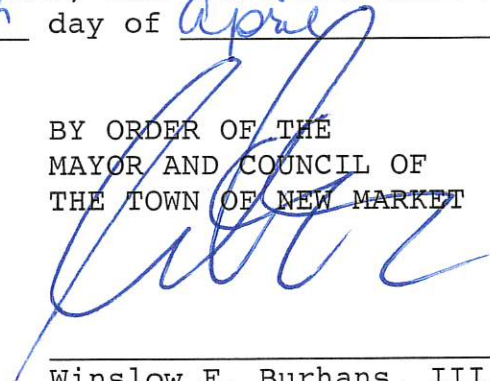
Section 13. Amendments to the Statute. References to the Statute in this Ordinance shall include legislative amendments to the Statute.

AND IT IS FURTHER ORDAINED, that this Ordinance shall become effective on the 28th day of April, 2021.

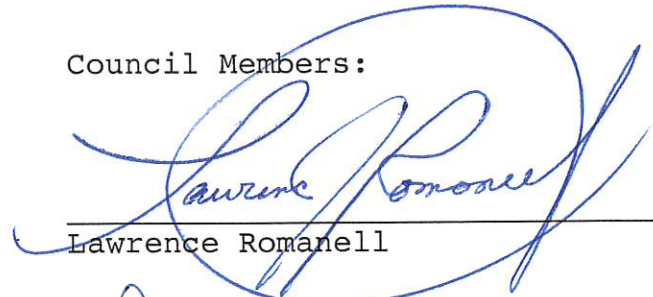
ATTEST:

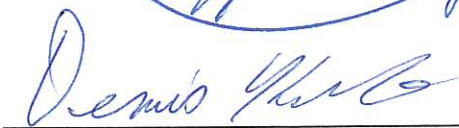
BY ORDER OF THE
MAYOR AND COUNCIL OF
THE TOWN OF NEW MARKET


Town Clerk


Winslow F. Burhans, III, Mayor

Council Members:


Lawrence Romanell


Dennis Kimble



Shannon Rossman

Michael Davies

Scott Robertson

INTRODUCED: March 11, 2021
ENACTED: April 8, 2021
EFFECTIVE: April 28, 2021