

Discussed: 3/14/2018, 4/11/2018

Introduced: 5/9/2018

Adopted: 5/16/2018

Effective: 6/6/2018

ORDINANCE NO. 492

AN ORDINANCE OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND CHAPTER 312 (VEHICLES AND TRAFFIC) OF THE CODE OF THE TOWN OF ST. MICHAELS BY ADDING A NEW ARTICLE VI ENTITLED 'SPEED MONITORING SYSTEMS' FOR THE PURPOSE OF AUTHORIZING THE USE OF SPEED MONITORING SYSTEMS IN SCHOOL ZONES WITHIN THE TOWN; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO SPEED MONITORING SYSTEMS IN THE TOWN OF ST. MICHAELS

WHEREAS, The Commissioners of St. Michaels (the "Town") is a municipal corporation of the State of Maryland; and

WHEREAS, Article XI-E of the Maryland Constitution, Md. Code Ann., Local Gov't § 5-202, and § C-19(A) of the Town Charter authorize the Town to pass ordinances for the protection and promotion of the public safety, health, and welfare of its residents; and

WHEREAS, pursuant to Md. Code Ann., Transp. § 21-809(b)(1)(i), the Commissioners of St. Michaels (the "Commissioners"), as the governing body of the Town, are authorized to establish and enact speed monitoring enforcement programs in school zones, which are defined by Md. Code Ann., Transp. § 21-809(a)(7) as a designated roadway segment within up to a one-half mile radius of a school for any of grades kindergarten through grade 12 where school-related activity occurs, including travel by students to or from school on foot or by bicycle or the dropping off of students by school buses or other vehicles, the purpose of which is to provide for the safety of school-aged children; and

WHEREAS, there is currently one school campus for grades pre-K through 12 where school-related activity occurs within the corporate limits of the Town located at Seymour Avenue and MD Route 33 (Talbot Street); and

WHEREAS, driving in excess of the posted speed limit is a major cause of accidents, deaths, and injuries; and

WHEREAS, studies show that speed monitoring systems significantly reduce the number of speeding violations and crashes, and provides for traffic calming; and

WHEREAS, traditional enforcement forces police officers to follow and stop a violator in order to cite the violator; and

WHEREAS, speed monitoring systems provide safe and consistent enforcement at a reasonable cost, while allowing police officers to focus on other enforcement efforts; and

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WHEREAS, the Commissioners did recognize a concern relating to the volume of traffic and the public safety, health, and welfare of school children brought forward by the St. Michaels Police Department; and

WHEREAS, at their meetings on March 14, 2018 and April 11, 2018, the Commissioners did consider and acknowledge the necessity of installing a speed monitoring system on MD Route 33 (Talbot Street) within the Seymour Avenue/MD Route 33 (Talbot Street) school zone due to the increased volume of traffic for the school, pool, and nature trail; and

WHEREAS, the Commissioners deem it to be in the best interest of the public safety, health, and welfare of the residents of the Town to amend Chapter 312 (Vehicles and Traffic) of the Code of the Town of St. Michaels by adding a new Article VI entitled "Speed Monitoring Systems" for the purpose of authorizing the use of speed monitoring systems in designated school zones within the Town.

NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 312 (Vehicles and Traffic) of the Code of the Town of St. Michaels is hereby amended as follows, with new language shown in *italics* and underlined and deleted language shown in (parenthesis) and with a ~~strikethrough~~:

SECTION 1.

ARTICLE VI **Speed Monitoring Systems**

§ 312-23 Definitions.

For the purposes of this article, the following terms, phrases and their derivatives shall have the meanings given herein:

- A. "Speed monitoring system" means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speed at least 12 miles per hour or more above the posted speed limit.
- B. "School zone" means a designated roadway segment within up to a half-mile radius of a school for any of grades pre-K through 12 where school-related activity occurs, including travel by students to or from school on foot or by bicycle and the dropping off or picking up of students by school buses or other vehicles.

§ 312-24 Authorized. Speed camera enforcement, using speed monitoring systems that are portable or fixed, is authorized within school zones in the Town of St. Michaels between the hours of 6:00 a.m. and 8:00 p.m., Monday through Friday.

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§ 312-25 Administration.

A. The Police Department will be responsible for filing monthly reports with the Commissioners of St. Michaels detailing the impacts of the speed camera enforcement authorized hereunder. The Chief of Police is designated as the Administrator of the Town's speed monitoring system program for purposes of Md. Code Ann., Transp. §§ 21-809(b)(1)(ix) and (b)(5)(i), as amended.

B. If a speed monitoring system is moved to or placed in a location where a speed monitoring system had not previously been moved to or placed in, no citation shall be issued for a violation recorded by that speed monitoring system:

(1) Until signage is installed and public notice is provided in accordance with Md. Code Ann., Transp. § 21-809(b)(1)(vii), as amended; and

(2) For at least the first 15 calendar days after the signage is installed; provided, however, that no citation shall be issued for the first 30 days after such signage is installed for the initial speed monitoring system authorized by this article.

§ 312-26 Violations and penalties.

Any person who shall violate any provision of this article shall be subject to the penalties set forth in Md. Code Ann., Transp. § 21-809(c), as amended, including a fine in the amount of \$40.

SECTION 2. The recitals to this Ordinance are incorporated herein and deemed a substantive part hereof.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Commissioners that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 4. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

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AND BE IT FURTHER ORDAINED AND ENACTED that this Ordinance shall take effect twenty (20) days from the date of its enactment, having been read at two (2) meetings of the Commissioners of St. Michaels and having been passed by a yea and nay vote of the Commissioners of St. Michaels.

INTRODUCED, read for the first time and ordered posted on the Town bulletin board at the Public Meeting of the Commissioners of St. Michaels held on the 9 day of May, 2018, at 6 o'clock P.m., in the meeting room of the Edgar M. Bosley, Jr. Municipal Building, 300 Mill Street, St. Michaels, Maryland.

(SEAL)


JEAN R. WEISMAN
Town Clerk/Manager

HAVING BEEN READ for the second time and passed by a yea and nay vote of the Commissioners of St. Michaels at a Public Meeting of the Commissioners of St. Michaels held on this 16 day of May, 2018, at 6 o'clock P.m., in the meeting room of the Edgar M. Bosley, Jr. Municipal Building, 300 Mill Street, St. Michaels, Maryland.

Boos - Aye
Bibb - Aye
Myers - Aye
Harrod - Aye
Windon - Aye

I HEREBY CERTIFY that the above Ordinance No. 492 was passed by a yea and nay vote of the Commissioners of St. Michaels on the 16 day of May, 2018.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS


JEAN R. WEISMAN
Town Clerk/Manger

 (SEAL)
WILLIAM E. BOOS
President