



ORDINANCE NO. 2023-04

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BRENTWOOD, MARYLAND AMENDING ARTICLE VI “SPEED CAMERA ENFORCEMENT PROGRAM” AND ARTICLE VIII “RED LIGHT CAMERA ENFORCEMENT PROGRAM” OF CHAPTER 305 “VEHICLES AND TRAFFIC” OF THE TOWN CODE,
BY REPEALING AND RE-ENACTING §§305-45 THROUGH 305-47, AND ADDING §30549 PENALTIES OF ARTICLE VI; AND REPEALING AND RE-ENACTING §§ 305-50 AND 305-51, AND ADDING §305-53 TO ARTICLE VIII TO UPDATE SPEED CAMERA AND RED LIGHT CAMERA ENFORCEMENT PROVISIONS TO BETTER DELINEATE ENFORCEMENT PREVIOUSLY AUTHORIZED BY THE TOWN UNDER STATE LAW.**

WHEREAS, pursuant to Chapter 4 Section 401.0 General Powers and Section 401.2. Specific Powers of the Town Charter, the Mayor and Town Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or said Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein; and

WHEREAS, pursuant to Article I of the Town Charter, the Town shall have control of all public ways in the Town except such as may be under the jurisdiction of the State Roads Commission of Maryland or Prince George’s County and subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

WHEREAS, pursuant to §21-809(b) of the Transportation Article of the Annotated Code of Maryland, a speed monitoring system may be used in a local jurisdiction under said section if its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing; and

WHEREAS, the Mayor and Council on November 19, 2009, after a public hearing authorized the establishment of an automated speed enforcement program; and

WHEREAS, the Mayor and Council on May 2, 2016, after a public hearing authorized red light camera enforcement program within the town; and

WHEREAS, since the establishment of the speed enforcement program, the General Assembly has expanded the use of authorized speed enforcement programs within municipalities; and

WHEREAS, provisions related to the red-light camera enforcement program need updating; and

WHEREAS, the Council finds it to be in the best interest of the Town to amend the Town's traffic ordinances as provided herein below.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Brentwood, that the sections of Chapter 305 (Vehicles and Traffic) of the Town Code included herein are hereby repealed, re-enacted, and amended as follows:

§ 305-45 System Authorized.

(A) IN THIS ARTICLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(1) OWNER — THE REGISTERED OWNER OF A MOTOR VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF SIX MONTHS OR MORE, EXCEPT THAT "OWNER" DOES NOT INCLUDE:

(a) MOTOR VEHICLE RENTAL OR LEASING COMPANY; OR

(b) A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED UNDER MD. CODE ANN., TRANSP. ART., TITLE 13, SUBTITLE 9, PART III.

(2) SCHOOL ZONE — A DESIGNATED ROADWAY SEGMENT WITH A POSTED SPEED LIMIT OF AT LEAST 20 MILES PER HOUR AND LOCATED WITHIN UP TO A HALF-MILE RADIUS OF A SCHOOL FOR ANY OF GRADES KINDERGARTEN THROUGH GRADE 12 WHERE SCHOOL-RELATED ACTIVITY OCCURS AS FURTHER DEFINED IN THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND, § 21-809(A)(7).

(3) RESIDENTIAL DISTRICT — AN AREA THAT: (I) IS NOT A BUSINESS DISTRICT AS DEFINED IN TR ART., § 21-101 OF MD. ANN. CODE; AND (II) ADJOINS AND INCLUDES A HIGHWAY WHERE THE PROPERTY ALONG THE HIGHWAY, FOR A DISTANCE OF AT LEAST 300 FEET, IS IMPROVED MAINLY WITH RESIDENCES OR RESIDENCES AND BUILDINGS USED FOR BUSINESS.

(4) SPEED-MONITORING SYSTEM — 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.

(5) The Mayor and Town Council approve and authorize the Town of Brentwood to use a mobile speed camera system for speed camera enforcement within the Town's jurisdiction

§ 305-46 Locations.

Speed camera enforcement, using a mobile speed camera system, is authorized at locations within the Town of Brentwood DESIGNATED AS A SCHOOL ZONE, as determined by the Mayor AND Town Council, and/or the Chief of Police, AND IN A RESIDENTIAL DISTRICT. A SPEED-MONITORING SYSTEM IN A SCHOOL ZONE MAY OPERATE ONLY MONDAY THROUGH FRIDAY BETWEEN 6:00 A.M. AND 8:00 P.M. A SPEED-MONITORING SYSTEM IN A RESIDENTIAL DISTRICT MAY OPERATE 24 HOURS PER DAY, SEVEN DAYS PER WEEK.

§ 305-47 PROCEDURE; NOTICE AND warning for initial violations

A. THE MAYOR AND TOWN COUNCIL SHALL ADHERE TO THE FOLLOWING PROCEDURES IN INSTITUTING A SPEED CAMERA ENFORCEMENT PROGRAMS:

(1) THE MAYOR AND COUNCIL, BY ORDINANCE OR RESOLUTION, FOLLOWING REASONABLE NOTICE TO THE PUBLIC AND A PUBLIC HEARING, MAY ESTABLISH A SCHOOL ZONE OR A RESIDENTIAL DISTRICT ON ANY ROAD UNDER THE TOWN'S JURISDICTION OR WITH PERMISSION OF THE COUNTY OR STATE HIGHWAY ADMINISTRATION ON ANY COUNTY OR STATE ROAD WITHIN 1/2 MILE OF A SCHOOL OR WITHIN A RESIDENTIAL DISTRICT AND, FOR ANY SCHOOL ZONE OR RESIDENTIAL DISTRICT SO ESTABLISHED, SHALL SET A MAXIMUM SPEED LIMIT, AS PERMITTED BY LAW, PROVIDED THAT THE DESIGNATION OF SUCH SCHOOL ZONE OR RESIDENTIAL DISTRICT AND THE MAXIMUM SPEED LIMIT SET FOR SUCH ZONE OR DISTRICT SHALL NOT BECOME EFFECTIVE UNTIL THE TOWN INSTALLS SIGNS DESIGNATING THE SCHOOL ZONE OR RESIDENTIAL DISTRICT AND INDICATING THE MAXIMUM SPEED LIMIT APPLICABLE IN THE SCHOOL ZONE OR RESIDENTIAL DISTRICT LOCATED IN THE TOWN OF BRENTWOOD .

(2) THE TOWN MAY INSTALL OR ERECT TRAFFIC CONTROL DEVICES IN THE DESIGNATED SCHOOL ZONE OR RESIDENTIAL DISTRICT IN ADDITION TO THE SIGNS REQUIRED BY SUBSECTION (A)(1) AND (3), INCLUDING TIMED FLASHING WARNING LIGHTS AND INCLUDING A SPEED MONITORING SYSTEM AS DEFINED IN SUBSECTION (A) OF THIS SECTION.

(3) 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 IN ACCORDANCE WITH SUBSECTION (C); AND

(b) FOR AT LEAST THE FIRST 15 CALENDAR DAYS AFTER THE SIGNAGE IS INSTALLED.

(c) THIS PROVISION IS NOT APPLICABLE TO A HANDHELD UNIT DIRECTLY OPERATED BY A POLICE OFFICER

B. BEFORE ACTIVATING A SPEED CAMERA SYSTEM in the Town of Brentwood, OR CHANGING AN EXISTING SPEED CAMERA SYSTEM FROM A SCHOOL ZONE TO A RESIDENTIAL DISTRICT DESIGNATION WITH A LONGER OR MODIFIED DAILY ACTIVATION PERIOD, THE CHIEF OF POLICE OR THEIR DESIGNEE SHALL:

- (1) PUBLISH NOTICE OF THE LOCATION OF THE SPEED-MONITORING SYSTEM ON THE TOWN'S WEBSITE AND IN A NEWSPAPER OF GENERAL CIRCULATION IN THE TOWN; AND
- (2) ENSURE THAT EACH SIGN THAT DESIGNATES A SCHOOL ZONE OR RESIDENTIAL DISTRICT IS PROXIMATE TO A SIGN THAT INDICATES THAT SPEED-MONITORING SYSTEMS ARE IN USE IN THE SCHOOL ZONE OR RESIDENTIAL DISTRICT AND IS IN ACCORDANCE WITH THE MANUAL FOR AND THE SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES ADOPTED BY THE STATE HIGHWAY ADMINISTRATION.
- (3) For a period of at least 30 days a violation recorded by A NEWLY INSTALLED system AT A NEW LOCATION may be enforced only by the issuance of a warning.

§ 305-48 Compliance with state law required.

The speed camera enforcement program in the Town of Brentwood shall be conducted in compliance with all applicable provisions of the Maryland vehicle law.

§ 305-49 PENALTIES; FEES

(A) CIVIL VIOLATIONS.

- (1) A VIOLATION OF THE SPEED CAMERA SYSTEM SHALL BE DEEMED A CIVIL INFRACTION PURSUANT TO § 21-809 OF THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND THE PENALTY SHALL BE A FINE OF \$40.
- (2) MVA FLAGGING FEE FOR UNPAID CITATION: \$35.00
- (3) RETURNED CHECK FEE FOR UNPAID CITATION: \$35.00
- (4) IF A SPEED CAMERA CITATION HAS NOT BEEN PAID IN 30 DAYS, THE FEE SHALL DOUBLE, AND IF NOT PAID IN 60 DAYS, THE FEE SHALL DOUBLE AGAIN FOR EACH SPEED AND RED-LIGHT VIOLATION.
- (5) IF A SPEED CAMERA VIOLATION CITATION HAS NOT BEEN PAID AFTER 90 DAYS IT SHALL BE FORWARDED TO COLLECTIONS AND A COLLECTION FEE OF \$40.00 SHALL BE ASSESSED TO EACH VIOLATION IN A DEFAULT OR COLLECTIONS STATUS.

§ 305-50 Enforcement authorized; locations.

Red light camera enforcement, using a mobile red light camera system, is authorized at traffic signals at locations within the Town as determined by the Chief of Police. The redlight camera locations shall include, but not be limited to, the traffic signal on Rhode Island Avenue, at 38th Street, AND WINDOM ROAD.

§ 305-51 Agreement for provision, installation, operation, and maintenance of system.

THE TOWN MAY ENTER INTO APPROPRIATE AGREEMENTS WITH DULY QUALIFIED VENDORS FOR THE FURNISHING OF LABOR, EQUIPMENT AND MAINTENANCE RELATED TO THE INSTALLATION AND OPERATION OF A RED-LIGHT CAMERA ENFORCEMENT PROGRAM. THE CHIEF OF POLICE IS AUTHORIZED TO NEGOTIATE WITH SUCH DULY QUALIFIED VENDORS, PROVIDED, HOWEVER, THAT NO AGREEMENT FOR SUCH LABOR, EQUIPMENT OR MAINTENANCE SHALL BE EFFECTIVE UNTIL FIRST HAVING BEEN DULY APPROVED BY THE MAYOR AND TOWN COUNCIL.

§ 305-52 Compliance with state law.

The red-light camera enforcement program in the Town shall be conducted in compliance with all applicable provisions of the Maryland Vehicle Law.

§ 305-53 PENALTIES; FEES.

(A) UNLESS THE DRIVER OF A MOTOR VEHICLE RECORDED BY A RED LIGHT CAMERA IN VIOLATION OF TRANSPORTATION ARTICLE, § 21-202(H), OF THE MARYLAND ANNOTATED CODE, AS AMENDED FROM TIME TO TIME, RECEIVED A CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER OR, IN ACCORDANCE WITH TRANSPORTATION ARTICLE, § 21-202.1(G)(5), OF THE MARYLAND ANNOTATED CODE, AS AMENDED FROM TIME TO TIME, SHALL BE GUILTY OF A MUNICIPAL INFRACTION AND SUBJECT TO A CIVIL PENALTY OF \$100.00.

(B) IN ADDITION TO THE CIVIL PENALTY, THE FOLLOWING FEES ARE AUTHORIZED:

- (1) MVA FLAGGING FEE FOR UNPAID CITATION: \$35.00
- (2) RETURNED CHECK FEE FOR UNPAID CITATION: \$35.00
- (3) IF A RED-LIGHT CAMERA CITATION HAS NOT BEEN PAID IN 30 DAYS, THE FEE SHALL DOUBLE, AND IF NOT PAID IN 60 DAYS, THE FEE SHALL DOUBLE AGAIN FOR EACH SPEED AND RED-LIGHT VIOLATION.

- (4) IF A RED-LIGHT CAMERA VIOLATION CITATION HAS NOT BEEN PAID AFTER 90 DAYS IT SHALL BE FORWARDED TO COLLECTIONS AND A COLLECTION FEE OF \$40.00 SHALL BE ASSESSED TO EACH VIOLATION IN A DEFAULT OR COLLECTIONS STATUS.

SECTION 2. AND BE IT FURTHER ORDAINED AND ENACTED, that any prior ordinances adopting and enacting any provision of Article VI of said Code or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found herein shall be deemed repealed and superseded by the provisions of this Ordinance. Should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect thirty (30) calendar days following adoption by the Town Council, having been passed by the required yeas and nays votes of the Mayor and Council of the Town of Brentwood, and the Mayor is authorized to execute a contract for collections services as attached in Exhibit A; and

SECTION 4. AND BE IT FURTHER ORDAINED AND ENACTED, that upon passage, the Town Clerk shall cause to be published a summary of this Ordinance at least twice in the Town newsletter or a newspaper having general circulation within the Town of Brentwood.

Passed this ___ day of _____ 2023

Attest: Town Clerk-Larry Moran

Rocio Treminio-Lopez, Mayor

Stefan B. Leggin, Vice Mayor

Marcus B. Monroe, Councilmember

Quianna M. Taylor, Councilmember

Lauren A. Rauk, Councilmember