

FOR THE PURPOSE OF ESTABLISHING THE “SAFETY FOR STUDENTS” PROGRAM BY: DEFINING SCHOOL ZONES; AUTHORIZING THE COUNTY TO USE AND ENFORCE CITATIONS ISSUED BY A CERTAIN SPEED MONITORING SYSTEM; MANDATING A CERTAIN PERIOD OF TIME DURING WHICH VIOLATIONS MAY BE ENFORCED ONLY BY THE ISSUANCE OF WARNINGS; REQUIRING THE COUNTY TO COMPLY WITH CERTAIN STATE LAW; DEFINING A CERTAIN TERM; REQUIRING A CERTAIN REPORT TO BE FILED; AND GENERALLY RELATING TO THE USE OF SPEED MONITORING SYSTEMS IN THE COUNTY.

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

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, however, traffic volume and safety considerations limits 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;

WHEREAS, traffic studies indicate that the presence of speed cameras has contributed to as much as an 80% - 90% decrease in the number of drivers exceeding the speed limit by 12 miles per hour or more in the vicinity of schools;

WHEREAS, this “Safety for Students” program is created by the Board of County Commissioners of Calvert County, Maryland with a goal to increase safety for students around schools with the use of automated speed enforcement;

WHEREAS, Title 21 of the *Transportation Article* of the Maryland Annotated Code (hereinafter, the “Code”), authorizes and empowers the Board of County Commissioners of Calvert County, Maryland (hereinafter, the “Board of County Commissioners”) to implement and use a speed monitoring system consistent with the requirements of Title 21, Subtitle 8 of the *Transportation Article* of the Code on a county highway;

WHEREAS, Maryland Annotated Code, *Transportation Article*, §21-803.1 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;

WHEREAS, the Sheriff 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 “Safety for Students” program;

WHEREAS, a public hearing was duly advertised in the *Calvert Recorder* a newspaper of general circulation for two consecutive weeks before the public hearing and held on July 28, 2015, at which time the Board of County Commissioners received public comment; and

WHEREAS, upon due consideration of the comments of the public and staff and in furtherance of the public health, safety and welfare, the Board of County Commissioners finds that it is in the best interest of the public health, safety and welfare of the citizens of Calvert County, Maryland to adopt establish school zones and speed monitoring systems within school zones.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that a School Zone is hereby designated upon that portion of each County Road being less than 500 feet from an accredited public, parochial or private learning institution for one or more grades kindergarten through 12;

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland, 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;

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that the following new title be appended to the Code of Local Laws of Calvert County, Maryland:

CHAPTER 107. Safety for Students - Speed Monitoring Systems.

§ 107-1-101. Definitions. In this title:

- a. "School" is an accredited public, parochial or private learning institution for one or more grades kindergarten through 12.
- 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 guidance issued by the State Highway Administration.
- c. "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.

§107-1-102. A School Zone is hereby designated upon that portion of each County road being 500 feet or less from the boundary of a School, measured upon the centerline of the street. To the extent the State Highway Administration or a municipality located within Calvert County has previously designated a School Zone, or designates a School Zone in the future, which is different from that set forth above, such State Highway Administration or municipality designations shall control.

§107-1-103. In accordance with §21-809 of the *Transportation Article* of the Maryland Annotated Code, the County may use and enforce citations issued from Speed Monitoring Systems within School Zones with a posted speed limit of at least 20 miles per hour within the County.

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- §107-1-104. The Sheriff shall designate one or more deputies to review citations and operate the Speed Monitoring System, but may enter into an Agreement to supply and maintain Speed Monitoring Systems.
- §107-1-105. Appropriate training of the operators and calibration of the Speed Monitoring Systems shall be provided as required by §21-809 of the *Transportation Article* of the Maryland Annotated Code, as amended from time to time.
- §107-1-106. Reasonable notice of the use of Speed Monitoring Systems shall be provided through advertisement in a newspaper of general circulation in Calvert County and the County's website at least fifteen (15) days prior to the activation of a Speed Monitoring System in a School Zone for the first time or upon relocating a Speed Monitoring System to a School Zone where one was not present immediately prior to the relocation. Additionally, signs indicating the use of Speed Monitoring Systems shall be provided as required by §21-809 of the *Transportation Article* of the Maryland Annotated Code, as amended from time to time.
- §107-1-107. A civil penalty in the amount of \$40 per violation is hereby established, subject to an additional late fee of \$20 if not paid within thirty (30) days after the issuance of the citation. The penalty shall be paid to the Treasurer of Calvert County except that, 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 Maryland Annotated Code and §21-809 of the *Transportation Article* of the Maryland Annotated Code and distributed in accordance with §12-118 of the *Transportation Article* of the Maryland Annotated Code, as any of the foregoing may be amended from time to time.
- §107-1-108. Revenue received by the County from this Safety for Students program shall first be used to recover the costs of implementing and administering the Safety for Students program. Any remaining balance shall be used for public safety purposes as set forth in the annual budget adopted by the County Commissioners of Calvert County.
- §107-1-109. Local Investigation of Claims.
- a. The official or employee designated to investigate and respond to questions or concerns about the Speed Monitoring System or a violation shall be Administrative Assistant of the Administrative and Judicial Services Bureau, or such other person as may be appointed by the Sheriff (hereinafter referred to as the "Local Designee"), but who 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.
 - b. 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 the speed monitoring systems statute.

- c. If the Local Designee determines that the citation is an erroneous violation, the local designee shall void the citation.
- d. If the Local Designee determines that a person did not receive notice of a citation issued under this section due to an administrative error, the local designee may resend the citation in accordance with §21-809 of the *Transportation Article* of the Maryland Annotated Code, as amended from time to time, or void the citation.
- e. The Local Designee that takes any action described under subparagraph d of this section shall notify the Administration of the action for the purpose of rescinding any administrative penalties imposed.
- f. The Local Designee may not determine that a citation is an erroneous violation based solely on the dismissal of the citation by a court.

§107-1-110. The Program Administrator, as required by Maryland Annotated Code, Transportation Article, §21-809(b)(5), shall be the Sheriff's Commander of the Administrative and Judicial Services Bureau, or such other person as designated by Resolution of the Board of County Commissioners from time to time, but who may not be an employee or representative of Speed Monitoring System Contractor.

§107-1-111. The Sheriff, in consultation with other offices and departments of the County government, may develop further procedures, policies and regulations to implement this Safety for Students program in accordance with §21-809 of the *Transportation Article* of the Maryland Annotated Code, as amended from time to time, and this Title.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland, 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 issuance of a warning.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that the Sheriff shall file a report with the County Commissioners detailing the effect of the Act, on the first anniversary after the effective date of this Act and biennially thereafter.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that, in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Resolution shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Resolution, or unless deletion of the valid portion would

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produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall be effective upon recordation and publication of a fair summary.

DONE, this 28th day of July, 2015, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.


Aye: 5

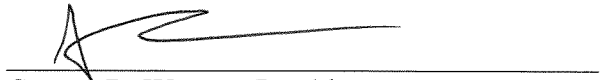
Nay: 0

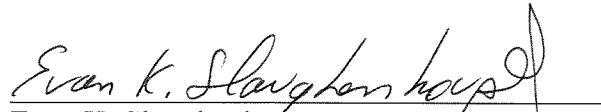
Absent/Abstain: 0

ATTEST:

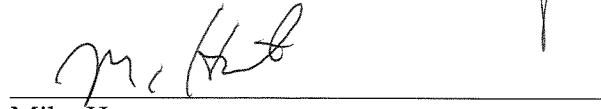
**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**


Maureen Frederick, Clerk


Steven R. Weems, President


Evan K. Slaughenhoupt Jr., Vice President

Approved for form and legal sufficiency:


Mike Hart


John B. Norris III, County Attorney


Tom Hejl


Pat Nutter

Received for Record July 29 2015
at 10:30 o'clock A. M. Same day
recorded in Liber KPS No. 47
File 429 COUNTY COMMISSIONERS
ORDINANCE AND RESOLUTION.

