



THE COMMISSIONERS OF THURMONT

ORDINANCE 2019-02

**AN ORDINANCE TO ADOPT CHAPTER 127 TO
THE CODE OF THE TOWN OF THURMONT
ENTITLED "AUTOMATED SPEED MONITORING SYSTEM"**

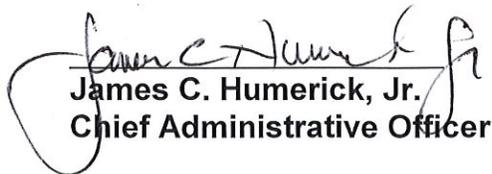
WHEREAS, the Charter of the Town of Thurmont requires any new Ordinance to the Code of the Town of Thurmont be adopted in the form of an ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF THURMONT, MARYLAND, THAT THE attached Ordinance "Exhibit A" entitled "Automated Speed Monitoring System" be added to the Code of the Town of Thurmont.

Introduced: February 12, 2019
Adopted: February 19, 2019
Effective: February 26, 2019

ATTEST:

THE COMMISSIONERS OF THURMONT


James C. Humerick, Jr.
Chief Administrative Officer


John A. Kinnaird
Mayor, Town of Thurmont

Chapter 127
Automated Speed Monitoring System

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ARTICLE I

Definitions

§127-10 Definitions:

As used in this chapter, the following terms shall have the meanings indicated.

1. **Commissioners** – Means the Board of Commissioners.
2. **Department** – Means the Thurmont Police Department.
3. **Owner** – Means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more. Owner does not include:
 - a. A motor vehicle rental or leasing company; or
 - b. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of the Maryland Transportation Article.
4. **Recorded image** – Means an image recorded by a speed monitoring system on:
 - a. A photograph
 - b. A microphotograph;
 - c. An electronic image;
 - d. Videotape; or
 - e. Any other medium.
5. **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.
6. **Speed monitoring system operator** – Means a representative of the department or contractor that operates a speed monitoring system.
7. **Town** – Means the Town of Thurmont.

§127-20 Transportation Article Reference

1. The Town of Thurmont, pursuant to §21-803.1 (a)(2)(ii) of the Transportation Article of the Annotated Code of Maryland, may establish school zones for the purpose of regulating maximum speed limits in such areas.

2. The Town of Thurmont is authorized to use speed monitoring systems for the monitoring and enforcement of speed limit restrictions in accordance with the requirements set forth in Transportation Article §21-809, of the Maryland Annotated Code, as amended from time to time, and other applicable law.

§127-21 School Zones

1. The Town of Thurmont designates the following school zones within the Town:
 - a. Thurmont Primary School – Portions of East Main Street (Rt.77) located within one half-mile radius of the school.
 - b. Thurmont Elementary School – Portions of East Main Street (Rt.77) located within one half-mile radius of the school.
 - c. Thurmont Middle School – Portions of East Main Street (Rt.77) located within one half-mile radius of the school.
 - d. Catoclin High School – Portions of North Church Street (Rt.550) located within one half-mile radius of the school.

2. A speed monitoring system in a school zone may operate only Monday through Friday between 6:00am and 8:00pm.

3. Appropriate signage designating the school zones shall be erected pursuant to the Transportation Article of the Annotated Code of Maryland and the guidelines for school zones as established by the State Highway Administration.

§127-22 Violations

1. It shall be a violation of this Article for a vehicle to violate a speed law as defined by the Transportation Article §21-809 of the Annotated Code of Maryland.

2. The penalty shall be a \$40.00 fine or such other amount or penalty as may be established by the Transportation Article, §21-809, of the Annotated Code, Maryland.

3. The Town, in accordance with the procedures prescribed by the State Motor Vehicle Administration (MVA) and State law, may give or cause to be given notice to the MVA of all vehicles registered by the State which are the subject of any outstanding and past due automated speed enforcement citations and request that the MVA, suspend the registration, refuse registration, or refuse the transfer of registration of the subject vehicle until notified by the Town that the violation penalty has been satisfied.
4. The violation under this chapter is a civil violation.

§127-23 Automated Speed Monitoring System

1. The Town may enter into an agreement with a vendor for the operation of its speed monitoring system to enforce speed limits in school zones. The Board of Commissioners is authorized to designate school speed enforcement zones consistent with this section by resolution.
2. Before activating an unmanned stationary speed monitoring system, the Town shall:
 - a. Publish notice of the locations(s) of the speed monitoring system on its website and in a newspaper of general circulation in the Town.
 - b. Ensure that each sign that designates a school zone indicates that a speed monitoring system is in use in the school zone.
 - c. For a period of at least 30 days after the first speed monitoring system is placed in the Town, a violation recorded by any speed monitoring system may be enforced only by issuance of a warning.
 - d. The Town shall designate an official or employee to investigate and respond to any inquiries relating to the Speed Monitoring program within a reasonable time. Written questions/concerns and answers shall be made available for public inspection.
3. The Town or its vendor, as applicable shall submit all required data to the State annually on or before October 31, each year as required by the Transportation Article.

ARTICLE III

Severability

§127-24 Severability

If any provision of this Chapter, is found to be invalid; by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining provisions of this chapter or any part thereof.