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Chapter 73 Vehicles and Traffic

Article I. Stopping, Standing and Parking

§ 73-1. Definitions.

The words and phrases used in this article that are defined in the Transportation Article of the Annotated Code of Maryland, as amended, shall, for the purposes of this article have the meanings as set forth therein.

§ 73-2. Restrictions on the Stopping, Standing and Parking of Vehicles.

A. The Town Commissioners may by Resolution establish and/or eliminate designated areas in the Town where stopping, standing and/or parking of vehicles is prohibited, restricted or regulated by an official sign. Before becoming effective, the Resolution must be posted on the Town bulletin board for a period of seven consecutive days and, in the case of establishing such an area, the designated area must be posted with an official sign giving notice of the prohibition or, in the case of eliminating such a designated area, all official signs giving notice of the prohibition must be removed from the designated area.

B. Places where stopping, standing, and/or parking is prohibited, restricted or regulated by official sign shall be posted in conformity with the Manual and Specifications for a Uniform System of Traffic Control Devices adopted from time to time by the State Highway Administration.

C. No person shall stop, stand or park a vehicle in contravention of a sign posted by the Town pursuant to this section.

§ 73-3. Applicability of Statutory Provisions.

All of the provisions of Annotated Code of Maryland, Transportation Article, Title 26 (Parties and Procedure on Citation, Arrest, Trial, and Appeal), Subtitle 3 (Parking Ordinances and Regulations), as amended from time to time, shall be fully applicable to all violations of this article.

§ 73-4 through 73-10. Reserved.

Article II. Operation of Vehicles

§ 73-11. Driving Over Fire Hoses.

No person shall drive a motor vehicle over a fire hose.

§ 73-12. Operation of Vehicles on Property Not Designated for Such Purpose.

No person may operate a vehicle upon, over or across any sidewalks or other rights-of-way except upon a road, street or highway designated for such purpose or upon private property without the permission of the owner thereof, except upon a driveway.

§ 73-13. Traffic Control Devices.

A. The Town Commissioners may by Resolution authorize the implementation of those traffic control devices it considers necessary to carry out the provisions of the Maryland Vehicle Law, as set forth in the Transportation Article of the Annotated Code of Maryland, upon any road, street or highway under its jurisdiction or, with the permission of the State Highway Administration, upon a highway under the jurisdiction of that agency.

B. No person shall operate a vehicle in contravention of a traffic control device authorized by the Town pursuant to this section.

§ 73-14. Violations and Penalties.

A violation of any provision of Articles I and II of this Chapter, or failure to comply with any requirement thereof, shall constitute a Municipal Infraction subject to a fine of \$50 for the first offense, \$100 for a second offense, and \$200 for each offense subsequent to the second.

Article III. Speed Monitoring System

§73-15. Definitions.

In this article, the following words have the meanings indicated.

(1) "Owner" means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more, except that "owner" does not include:

- (a) 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) "Sheriff" means the Queen Anne's County Office of the Sheriff.

(3) "Recorded Image" means an image recorded by a speed monitoring system on a photograph, a microphotograph, an electronic image, a videotape, or any other medium, and showing:

- (a) The rear of a motor vehicle;
- (b) At least two time-stamped images of the motor vehicle that include the same stationary object near the motor vehicle; and
- (c) On at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

(4) "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.

(5) “Speed Monitoring System Operator” means a representative of the Sheriff/Maryland State Police or a contractor that operates a speed monitoring system.

§73-16. Designation of Agency to Implement Speed Monitoring Systems.

The Commissioners of the Town of Church Hill hereby designates the Queen Anne's County Office of the Sheriff and/or the Maryland State Police to implement the provisions of this Article, speed monitoring system. At such time as the Town creates a School Zone and establishes a speed monitoring system, the Town shall designate by Resolution which entity will implement the speed monitoring system.

§73-17. Procedure for Establishing a School Zone

The Town Commissioners, by Resolution, following reasonable notice to the public and a public hearing, may establish a School Zone on any road under the Town’s jurisdiction and on any state highway in the Town with the approval of the State Highway Administration within one-half mile of a school and, for any School Zone so established, shall set a maximum speed limit, provided that the designation of such School Zone and the maximum speed limit set for such zone shall not become effective until the Town installs signs designating the School Zone and indicating the maximum speed limit applicable in the School Zone. In addition to these required signs the Town may install or erect additional traffic control devices in a designated School Zone, including timed flashing warning lights and a speed monitoring system.

§73-18. Operation of Speed Monitoring System.

A. Before activating an unmanned stationary speed monitoring system, the Town Administrator or his 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 indicates that a speed monitoring system is in use in the School Zone.

B. A speed monitoring system in a School Zone may operate only Monday through Friday between 6:00 a.m. and 8:00 p.m.

C. A speed monitoring system operator shall:

- (1) Complete training by a manufacturer of speed monitoring systems in the procedures for setting up and operating the speed monitoring system.
- (2) Fill out and sign a daily set-up log for a speed monitoring system that states that the speed monitoring system operator successfully performed the manufacturer-specified self-test of the speed monitoring system prior to producing a recorded image.
- (3) The daily set-up log required by paragraph (2) of this subsection shall be kept on file and shall be admitted as evidence in any court proceeding for a violation of this Section.

D. A speed monitoring system manufacturer shall issue a signed certificate to the speed monitoring system operator on completion of the training, which certificate shall be admitted as evidence in any court proceeding for a violation of this Section.

E. (1) A speed monitoring system shall undergo an annual calibration check performed by an independent calibration laboratory.

(2) The independent calibration laboratory shall issue a signed certificate of calibration after the annual calibration check, which shall be kept on file and shall be admitted as evidence in any court proceeding for a violation of this Section.

F. (1) Unless a driver of a motor vehicle received a Citation from the Sheriff/Maryland State Police or his duly sworn deputy at the time of a violation, the owner or, in accordance with Subsection (4) of this Section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a speed monitoring system while being operated at least twelve miles per hour above the posted speed limit.

(2) The penalty for a violation established by a speed monitoring system under this Subsection shall be forty dollars (\$40).

G. (1) Subject to the provisions of paragraphs (2) through (4) of this Subsection, the Sheriff/Maryland State Police shall mail to an owner liable under Subsection F of this Section a Citation, upon a form prescribed by the District Court of Maryland, that shall include the information required by of MD.. Code Ann., Transp. Art., § 21-809.

(2) The Sheriff/Maryland State Police may mail a Warning Notice instead of a Citation to the owner liable under Subsection F of this Section and, for a period of thirty (30) days after the Town installs the first speed monitoring system, the Sheriff/Maryland State Police shall mail only a Warning Notice and may not issue a Citation.

(3) Except as provided in Subsection I(4) of this Section, the Town may not mail a Citation to a person who is not an owner.

(4) Except as provided in Subsection I(4) of this Section, a Citation issued under this Section shall be mailed no later than 2 weeks after the alleged violation if the vehicle is registered in this state, and 30 days after the alleged violation if the vehicle is registered in another state.

(5) A person who receives a Citation under paragraph (1) of this Subsection may:

(a) Pay the civil penalty, in accordance with instructions on the Citation, directly to the Town; or

(b) Elect to stand trial in the District Court for the alleged violation.

H. (1) A certificate alleging that the violation of this Section occurred and satisfying the requirements of MD. Code Ann., Transp. Art., § 21-809(E)(1) shall be evidence of the facts contained in the certificate and shall be admissible in a proceeding alleging a violation under this Section without the presence or testimony of the speed monitoring system operator.

(2) If a person who received a Citation under Subsection F of this Section desires the speed monitoring system operator to be present and testify at trial, the person shall notify the court and the state in writing no later than 20 days before trial.

(3) Adjudication of liability shall be based on a preponderance of evidence.

I. (1) pursuant to MD. Code Ann., Transp. Art., Section 21-809, the District Court may consider in defense of a violation:

(a) Subject to subparagraph I(2) of this Subsection, that the motor vehicle or the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation;

(b) Subject to subparagraph I(3) of this Subsection, evidence that the person named in the Citation was not operating the vehicle at the time of the violation; and

(c) Any other issues and evidence that the District Court deems pertinent.

(2) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner.

(3) To satisfy the evidentiary burden under subparagraph I(1)(B) of this Subsection, the person named in the Citation shall provide to the District Court a letter, sworn to or affirmed by the person and mailed by Certified Mail, Return Receipt Requested, that:

(a) States that the person named in the Citation was not operating the vehicle at the time of the violation; and

(b) Includes any other corroborating evidence.

(4) (a) If the District Court finds that the person named in the Citation was not operating the vehicle at the time of the violation or receives evidence under subparagraph I(3) of this Subsection identifying the person driving the vehicle at the time of the violation, the Clerk of the Court shall provide to the Sheriff/Maryland State Police a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(b) On receipt of substantiating evidence from the District Court under subparagraph (4) of this paragraph, the Sheriff/Maryland State Police may issue a Citation as provided in Subsection G of this section to the person who the evidence indicates was operating the vehicle at the time of the violation.

(c) A Citation issued under subparagraph I(4) of this Section shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.

J. Pursuant to MD. Code Ann., Transp. Art., Section 21-108, if a person liable under this Section does not pay the civil penalty or contest the violation, the Maryland Motor Vehicle Administration:

(1) May refuse to register or reregister the motor vehicle cited for the violation; or

(2) May suspend the registration of the motor vehicle cited for the violation.

K. Pursuant to MD. Code Ann., Transp. Art., Section 21-108, a violation for which a civil penalty is imposed under this Section:

(1) Is not a moving violation for the purpose of assessing points under MD. Code Ann., Transp. Art., § 16-402;

(2) May not be recorded by the Motor Vehicle Administration on the driving record of the owner or driver of the vehicle;

(3) May be treated as a parking violation for purposes of MD. Code Ann., Transp. Art., § 26-305; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

Originally adopted on May 16, 2011 as Ordinance No. 144-11. The date of any amendment will appear below the amended paragraph in brackets ([]).