

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

EMERGENCY ORDINANCE NO. 02-25

AN EMERGENCY ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND AMENDING AND REVISING ARTICLE 15 (PARKING AND TRAFFIC) OF THE TOWN ORDINANCE CODE TO ADD SECTION 15.6.2 (STOP SIGN MONITORING SYSTEMS) AUTHORIZING THE USE OF STOP SIGN CAMERAS IN TOWN; AMENDING SECTION 15.13 (PENALTIES, REMEDIES; AND FEES) TO CHANGE OR ESTABLISH CERTAIN FINES OR FEES PARTICULARLY BY CHANGING THE SPEED CAMERA FINE TO A GRADUATED SCALE DEPENDING ON THE EXCESSIVENESS OF THE SPEEDING AS REQUIRED BY STATUTE; AND GENERALLY RELATING TO AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS.

Introduced By: Mayor Troy Barrington Lilly and Council President Noble

WHEREAS, pursuant to § 33-20(a) of the Town Charter, the 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 § 5-202 of the Local Government Article of the Annotated Code of Maryland, the Council of the Town of Forest Heights, Maryland has the authority to adopt such ordinances as it deems necessary to protect the health, safety, and welfare of the residents of the municipality; and

WHEREAS, the Town Council has enacted ordinance changes in the past three years to Article 15 (Parking and Traffic) through Ord. No. 04-22 regarding snow emergencies, temporary regulations, impounding of vehicles, and residential parking permits in certain areas adopted on Dec. 5, 2022, and Ord. No. 11-24 to authorize the use of speed cameras in residential zones and to authorize and ratify the use of red light cameras, adopted on November 7, 2024, after amending out the provisions that would have authorized stop sign cameras as indicated hereinbelow; further, both ordinances have yet to be codified in the Town Ordinance Code; and

WHEREAS, House Bill 182 effective on October 1, 2025 repeals a statutory provision that sets a maximum amount of \$40 for the civil penalty for speed monitoring systems that is imposed on the owner or driver of a motor vehicle that exceeds a posted speed limit and is recorded by a speed monitoring system, and instead, the bill establishes an escalating penalty structure, with

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a maximum penalty that ranges from \$40 to \$425 for the offense, depending on the excessiveness of the speed violation; and

WHEREAS, effective since July 1, 2024, Md. Code Ann., Transp. Art., § 21-707.1, has authorized the Town to implement a stop sign monitoring system, provided the Town has held a hearing, and enacted legislation implementing such a program and obtained the County Council's approval for the location; and

WHEREAS, in accordance with Transp. Art., § 21-707.1, the County Council has enacted CB-84-2024 codified as § 26-120.02 (Stop sign monitoring systems) of the County Code authorizing the placement of stop sign monitoring systems by municipalities provided the location is approved by the County on a highway located in a school zone, as defined in State law and Section 15.6(A)(5) of the Town Code, maintained by a local jurisdiction and after publishing notice that the local law enforcement agency has been authorized to use said systems on its website and in a newspaper of general circulation, and posting appropriate signage; and

WHEREAS, the Mayor and Council believe the implementation of a camera-based stop sign monitoring system, in conformance with the requirements of TR 21-707.1, is in the best interests of the Town and its residents; and

WHEREAS, the Town Council further finds that driving in excess of posted speed limits, and failing to stop at red lights or stop signs are a major cause of accidents, injuries and death; and

WHEREAS, the Chief of Police has advised that in addition to Speed and Red-Light Monitoring Systems, Stop Sign Enforcement systems strategically placed in designated areas will further advance the safety of the motoring public and pedestrians including school children; and

WHEREAS, upon due consideration of the comments of the public and staff and in furtherance of the public health, safety and welfare, the Town Council finds that it is in the best interest of the public health, safety and welfare of the citizens of the Town to expeditiously adopt and establish a new stop sign enforcement program along with the existing red-light photo and speed camera enforcement programs; and

WHEREAS, the Town Council requires that appropriate signage shall be erected in accordance with the manual for and the specifications for a uniform system of traffic control devices adopted by the State Highway Administration before activating a stop sign camera and publish the location of such systems on the Town of Forest Heights' Website, and in a newspaper of record, as required by law; and

WHEREAS, the Town Charter, § 33-12 further authorizes in cases of emergency, as determined by Council, that the procedural requirement stated in said Section for passing ordinances in the regular course of business may be suspended by the affirmative votes of five

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members of the Council and that an emergency ordinance shall become effective on the date specified in the ordinance, and a summary of each ordinance shall be published at least twice in the "Forest Heights News," the town newsletter or in a newspaper or newspapers having general circulation in the municipality; and

WHEREAS, the Mayor and Council finds that it is necessary and in the best interests of the Town to amend Article 15 of the Town Code as provided below.

SECTION 1.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, that Article 15 (Parking and Traffic), and specifically Sections 15.6.2 and 15.13 of the Town of Forest Heights Ordinance Code as written herein below is hereby enacted, adopted, revised and amended such that said Ordinance Code and said Article shall henceforth read as follows:

* * *

ARTICLE 15 – PARKING AND TRAFFIC

* * *

SECTION 15.6.2 STOP SIGN MONITORING SYSTEMS. [~~RESERVED~~.]

A. IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

1. “DEPARTMENT” MEANS THE FOREST HEIGHTS POLICE DEPARTMENT THAT IS AUTHORIZED TO ISSUE A CITATION FOR A VIOLATION OF THE MARYLAND MOTOR VEHICLE LAW OR LOCAL TRAFFIC LAWS OR REGULATIONS.

2. (A) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF SIX (6) MONTHS OR MORE.

(B) "OWNER" DOES NOT INCLUDE:

(I) A MOTOR VEHICLE RENTAL OR LEASING COMPANY; OR

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

3. “RECORDED IMAGE” MEANS IMAGES RECORDED BY A STOP SIGN MONITORING SYSTEM:

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(A) ON:

- (I) TWO OR MORE PHOTOGRAPHS,
- (II) TWO OR MORE MICROPHOTOGRAPHS,
- (III) TWO OR MORE ELECTRONIC IMAGES.
- (VI) VIDEOTAPE, OR
- (V) ANY OTHER MEDIUM; AND

(B) SHOWING A MOTOR VEHICLE AND, ON AT LEAST ONE IMAGE OR PORTION OF THE TAPE, CLEARLY IDENTIFYING THE REGISTRATION PLATE NUMBER OF THE MOTOR VEHICLE.

4. “STOP SIGN MONITORING SYSTEM” MEANS A DEVICE DESIGNED TO CAPTURE A RECORDED IMAGE OF A VIOLATION.

5. (A) “VIOLATION” MEANS A FAILURE TO COME TO A COMPLETE STOP AT A STOP SIGN IN VIOLATION OF §21-707 OF THE TRANSP. ART. OF MD. ANN. CODE.

(B) “VIOLATION” DOES NOT INCLUDE ANY ACTION A DRIVER IS INSTRUCTED TO TAKE BY A POLICE OFFICER.

B. THE DEPARTMENT IS AUTHORIZED TO OPERATE STOP SIGN MONITORING SYSTEMS:

1. ON HIGHWAYS LOCATED IN A SCHOOL ZONE, AS DEFINED IN STATE LAW AND IN SECTION 15.6 OF THIS ARTICLE, MAINTAINED BY THE TOWN, IF AUTHORIZED BY THE TOWN COUNCIL AT A LOCATION APPROVED BY THE PRINCE GEORGE'S COUNTY COUNCIL; AND

2. ON STATE HIGHWAYS LOCATED IN A SCHOOL ZONE, IF AUTHORIZED BY THE STATE HIGHWAY ADMINISTRATION AT A LOCATION APPROVED BY THE PRINCE GEORGE'S COUNTY COUNCIL.

C. BEFORE BEGINNING USE OF A STOP SIGN MONITORING SYSTEM, THE TOWN SHALL POST APPROPRIATE SIGNAGE AND PUBLISH NOTICE THAT IT HAS ADOPTED THE USE OF STOP SIGN MONITORING SYSTEMS ON THE TOWN'S WEBSITE AND IN A NEWSPAPER OF GENERAL CIRCULATION IN THE TOWN.

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D. A RECORDED IMAGE UNDER THIS SECTION INDICATING THAT THE DRIVER OF A MOTOR VEHICLE HAS COMMITTED A VIOLATION SHALL INCLUDE:

1. THE TIME AND DATE OF THE VIOLATION; AND
2. TO THE EXTENT POSSIBLE THE LOCATION OF THE VIOLATION.

E. UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER OF THE VEHICLE OR THE DRIVER OF A VEHICLE IF THE DISTRICT COURT FINDS THAT A PERSON OTHER THAN THE OWNER WAS DRIVING THE VEHICLE AT THE TIME OF THE CHARGED VIOLATION, IN ACCORDANCE WITH THE PROVISIONS OF MD. CODE ANN., TRANSP. ART., SECTION 27-707.1(F)(3) OR (H)(4) OR (5), IS SUBJECT TO THE CIVIL PENALTY SET FORTH IN SUBSECTION (G) OF THIS SECTION IF THE MOTOR VEHICLE IS RECORDED BY A STOP SIGN MONITORING SYSTEM DURING THE COMMISSION OF A VIOLATION.

F. 1. SUBJECT TO THE PROVISIONS OF PARAGRAPH (3) OF THIS SUBSECTION, THE DEPARTMENT SHALL MAIL TO THE OWNER LIABLE UNDER SUBSECTION (E) OF THIS SECTION A CITATION THAT SHALL INCLUDE:

(A) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE VEHICLE;

(B) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE INVOLVED IN THE VIOLATION;

(C) THE VIOLATION CHARGED;

(D) TO THE EXTENT POSSIBLE, THE LOCATION OF THE VIOLATION;

(E) THE DATE AND TIME OF THE VIOLATION;

(F) A COPY OF THE RECORDED IMAGE;

(G) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE BY WHICH THE CIVIL PENALTY MUST BE PAID;

(H) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY THE LAW ENFORCEMENT AGENCY THAT, BASED ON THE INSPECTION OF THE RECORDED IMAGE, THE MOTOR VEHICLE WAS BEING OPERATED DURING THE COMMISSION OF A VIOLATION;

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(I) A STATEMENT THAT THE RECORDED IMAGE IS EVIDENCE OF A VIOLATION;
AND

(J) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE UNDER THIS
SECTION:

(I) OF THE MANNER AND TIME IN WHICH LIABILITY AS ALLEGED IN THE
CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

(II) THAT FAILURE TO PAY THE CIVIL PENALTY OR TO CONTEST LIABILITY
IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY AND MAY RESULT
IN REFUSAL OR SUSPENSION OF THE MOTOR VEHICLE REGISTRATION.

2. THE DEPARTMENT MAY MAIL A WARNING NOTICE IN PLACE OF A CITATION
TO AN OWNER LIABLE UNDER SUBSECTION (E) OF THIS SECTION.

3. (A) BEFORE MAILING A CITATION TO A MOTOR VEHICLE RENTAL
COMPANY LIABLE UNDER SUBSECTION (E) OF THIS SECTION, THE DEPARTMENT
SHALL MAIL A NOTICE TO THE MOTOR VEHICLE RENTAL COMPANY STATING
THAT A CITATION WILL BE MAILED TO THE MOTOR VEHICLE RENTAL COMPANY
UNLESS WITHIN 45 DAYS AFTER RECEIVING THE NOTICE, THE MOTOR VEHICLE
RENTAL COMPANY PROVIDES THE AGENCY WITH:

(1) A STATEMENT MADE UNDER OATH THAT STATES THE NAME AND LAST
KNOWN MAILING ADDRESS OF THE INDIVIDUAL DRIVING OR RENTING THE
MOTOR VEHICLE WHEN THE VIOLATION OCCURRED;

(2) (I) A STATEMENT MADE UNDER OATH THAT STATES THAT THE MOTOR
VEHICLE RENTAL COMPANY IS UNABLE TO DETERMINE WHO WAS DRIVING
THE VEHICLE AT THE TIME THE VIOLATION OCCURRED BECAUSE THE
MOTOR VEHICLE WAS STOLEN AT THE TIME OF THE VIOLATION; AND

(II) A COPY OF THE POLICE REPORT ASSOCIATED WITH A MOTOR
VEHICLE THEFT WHERE THE OWNER OF THE VEHICLE HAS CLAIMED
THAT THE VEHICLE HAS BEEN STOLEN WHEN THE ALLEGED VIOLATION
OCCURRED, OR

(II) PAYMENT FOR THE PENALTY ASSOCIATED WITH THE VIOLATION.

(B) THE DEPARTMENT MAY NOT MAIL A CITATION TO A MOTOR VEHICLE
RENTAL COMPANY LIABLE UNDER SUBSECTION (E) OF THIS SECTION IF THE
MOTOR VEHICLE RENTAL COMPANY COMPLIES WITH SUBPARAGRAPHS (A)(I)

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AND(A)(2) OF THIS PARAGRAPH.

4. EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION OR WHEN THE DISTRICT COURT FINDS, IN ACCORDANCE WITH THE PROVISIONS OF MD. CODE ANN., TRANSP. ART., § 27-707.1(H) THAT A PERSON OTHER THAN THE VEHICLE OWNER WAS OPERATING THE VEHICLE AT THE TIME OF HE CHARGED VIOLATION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION.

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; OR

(B)ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.

G. (1) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED, SWORN TO OR AFFIRMED BY A DULY AUTHORIZED LAW ENFORCEMENT OFFICER EMPLOYED BY OR UNDER CONTRACT WITH A LAW ENFORCEMENT AGENCY OR DEPARTMENT, BASED ON THE INSPECTION OF A RECORDED IMAGE, SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN ANY PROCEEDING CONCERNING THE ALLEGED VIOLATION.

(2) ADJUDICATION OF LIABILITY SHALL BE BASED ON PREPONDERANCE OF THE EVIDENCE.

H. (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A VIOLATION:

(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT THE MOTOR VEHICLE OR 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;

(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND

(III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT CONSIDERS PERTINENT.

(2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES

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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 MUST SUBMIT PROOF THAT A POLICE REPORT ABOUT THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY MANNER.

(3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT EVIDENCE TO THE SATISFACTION OF THE DISTRICT COURT OF WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION, INCLUDING, AT A MINIMUM, THE OPERATOR'S NAME AND CURRENT ADDRESS.

(4) (I) THE PROVISIONS OF THIS PARAGRAPH APPLY ONLY TO A CITATION THAT INVOLVES A CLASS E (TRUCK) VEHICLE WITH A REGISTERED GROSS WEIGHT OF 26,001 POUNDS OR MORE, CLASS F (TRACTOR) VEHICLE, CLASS G (TRAILER) VEHICLE OPERATED IN COMBINATION WITH A CLASS F (TRACTOR) VEHICLE, OR CLASS P (PASSENGER BUS) VEHICLE.

(II) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN A CITATION DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:

1. STATES THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND
2. PROVIDES THE NAME, ADDRESS, AND DRIVER'S LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(5) (I) 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 PARAGRAPH (4)(II)2 OF THIS SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION, THE CLERK OF COURT SHALL PROVIDE TO THE AGENCY ISSUING THE CITATION A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AGENCY MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (F) OF THIS SECTION TO THE PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE

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VIOLATION.

(III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE MAILED NOT LATER THAN 2 WEEKS AFTER RECEIPT OF THE EVIDENCE FROM THE DISTRICT COURT.

I. IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER OR MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE.

J. 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 § 16-402 OF THE MD. CODE TRANSPORTATION ARTICLE AND MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE VEHICLE; AND

(2) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

K. IN CONSULTATION WITH LAW ENFORCEMENT AGENCIES AND PURSUANT TO STATE LAW, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS, TRIALS FOR VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES IMPOSED UNDER THIS SECTION.

(L) (1) AN AGENCY, DEPARTMENT OR AN AGENT OR A CONTRACTOR DESIGNATED BY THE AGENCY SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION WITH THE DISTRICT COURT.

(2) IF A CONTRACTOR IN ANY MANNER OPERATES A STOP SIGN MONITORING SYSTEM OR ADMINISTERS OR PROCESSES CITATIONS GENERATED BY A MONITORING SYSTEM ON BEHALF OF A LOCAL JURISDICTION, THE CONTRACTOR'S FEE MAY NOT BE CONTINGENT ON A PER-TICKET BASIS ON THE NUMBER OF CITATIONS ISSUED OR PAID.

* * *

Section 15.13. Penalties; remedies; and fees.

A. Moving violations. All moving violations, including those by any individual violating Section 15.5 (speed prohibited) or Section 15.3.2(N) (Truck restrictions) of this Ordinance Code, shall be cited using the Maryland Uniform Complaint and Citation Form, and upon conviction, shall be

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fined and/or penalized in accordance with the schedule of fines and penalties determined by the State and set out in a document prepared by the Chief Administrative Judge of the District Court of Maryland and referred to as the "Schedule of Preset Fines and/or Penalty Deposits," as such document (Form #DC-CR-090) may be amended from time to time.

B. Nonmoving violations. Unless otherwise stated in this Article, all nonmoving violations shall be deemed misdemeanors, and shall, unless stated otherwise, subject the violator to a fine of \$75 which, if not paid within 20 days of the date of violation of notice, shall double to a fine of \$150.

C. Civil violations; uncontested speed monitoring violations.

(1) A violation of Section 15.6 (Speed-monitoring systems) 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]~~ OF THE FOLLOWING AMOUNTS:

(I) IF THE CITATION ALLEGES THAT THE DRIVER OF THE MOTOR VEHICLE EXCEEDED THE SPEED LIMIT BY BETWEEN 12 AND 15, INCLUSIVE, MILES PER HOUR, \$40;

(II) IF THE CITATION ALLEGES THAT THE DRIVER OF THE MOTOR VEHICLE EXCEEDED THE SPEED LIMIT BY BETWEEN 16 AND 19, INCLUSIVE, MILES PER HOUR, \$70;

(III) IF THE CITATION ALLEGES THAT THE DRIVER OF THE MOTOR VEHICLE EXCEEDED THE SPEED LIMIT BY BETWEEN 20 AND 29, INCLUSIVE, MILES PER HOUR, \$120;

(IV) IF THE CITATION ALLEGES THAT THE DRIVER OF THE MOTOR VEHICLE EXCEEDED THE SPEED LIMIT BY BETWEEN 30 AND 39, INCLUSIVE, MILES PER HOUR, \$230; AND

(V) IF THE CITATION ALLEGES THAT THE DRIVER OF THE MOTOR VEHICLE EXCEEDED THE SPEED LIMIT BY 40 MILES PER HOUR OR MORE, \$425.

(2) Where a citation is issued as a result of a speed monitoring system violation and it is uncontested, the penalty shall be paid directly to the Town or its designee. An additional late fee shall be due and payable for any uncontested citation that remains unpaid after issuance of the citation and past the due date.

(3) In a contested case before the District Court, the penalty shall be paid directly to the District Court and shall be collected by the District Court in accordance with § 7-302 of the Courts and

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Judicial Proceedings Article of the Annotated Code of Maryland and § 21-809 of the Transportation Article of the Annotated Code of Maryland and distributed in accordance with § 12-118 of the Transportation Article of the Annotated Code of Maryland.

D. Red-light AND STOP SIGN camera violations.

(1) A civil penalty in the amount of \$75 per violation is established for red-light camera violations.

(2) The penalty shall be paid to the Town of Forest Heights, and all unpaid violations shall be forwarded to the Town's contractor for collection. Except in uncontested cases involving a red-light camera administrative collection action, the penalty shall be collected by the District Court of Maryland in accordance with § 7-302(a) of the Courts and Judicial Proceedings Article of the Maryland Annotated Code and § 21-202.1 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.

(3) A CIVIL PENALTY IN THE AMOUNT OF \$40 PER VIOLATION IS ESTABLISHED FOR STOP SIGN MONITORING SYSTEM VIOLATIONS AS STATED IN SUBSECTION G OF SECTION 15.6.2 AND AS AUTHORIZED BY STATE LAW.

E. Other violations and remedies. A violation of Subsection V of Section 15.3.2 (Parking and truck restrictions) shall be deemed a municipal infraction, and the penalty shall be a fine of \$250. If not paid within 20 days of the date of notice of violation, the fine shall double to a fine of \$500. A code enforcement officer or other designee may file a petition for injunctive relief, a request for an abatement order or a request for such other relief in any court having proper venue for the purpose of requiring compliance with the provisions of this article.

F. Late fee. Unless otherwise stated on the citation form as authorized by State law or ordinance, any person issued a citation under this Article shall pay the fine within 20 days of the issuance of the citation. Any person issued a citation who fails to pay the penalty set forth in this Article within the prescribed time, or should any person fail to elect to stand trial within the prescribed time, a late fee in the amount of \$40 shall be assessed the person liable for the citation under this Article. If not paid within 30 days of the date of notice of violation, the late fee shall double to a fee of \$80. If not paid within 60 days of the date of notice of violation, the late fee shall triple to a fee of \$120. If not paid within 90 days of the date of notice of violation, the late fee shall quadruple to a total late fee of \$160. Except for late fees accrued for unpaid or untimely paid speed camera (i.e., speed-monitoring system) violations issued pursuant to Section 15.6, STOP SIGN CAMERA VIOLATIONS PURSUANT TO SECTION 15.6.2, or red-light camera violations pursuant to Section 15.6.1, all other late fees assessed under this Article may accrue without further notice. The late fee assessed to a speed, STOP SIGN, or red-light camera violation or parking violations collected by an automated system shall accrue upon written notification by the Town.

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G. Returned check fee. Any person who pays any penalty assessed under this Article shall further pay a returned check fee of \$50 to the Town should the check be returned unpaid for any reason by the payor's bank.

H. Flagging fee. The Chief of Police shall, in accordance with the procedures prescribed by the State Motor Vehicle Administration and State law, give or cause to be given notice to the Administration and the respective owners of all vehicles registered by the State and the subject of any unsatisfied contested or uncontested and past due parking, red-light, STOP SIGN, or speed-monitoring system violations of this Article thereby requesting that the Administration refuse registration or transfer of registration of the subject vehicle, until notified by the Town that the violation penalty has been satisfied. In such cases, the Chief of Police shall impose an additional cost or municipal administrative flagging fee of \$60 for each registration or transfer to be withheld, suspended or denied, and the owner of the vehicle shall be liable or further subject to the payment of such costs, and all other fines, penalties, fees and charges that have accrued or have been assessed pursuant to this Article before notice is given to the Administration that the subject violation penalty has been satisfied and the registration is to be released.

I. Debt collection fee. Any fine or associated fees or costs permitted by this Article that remain uncollected from an owner or operator made civilly or criminally liable under this Article, after at least 30 days from the date the debt accrues and written notice is provided to the owner or operator, said debt owed to the Town may be referred to a collection agency or attorney for collection, in accordance with state and federal law. Said fee or cost for collection of the delinquent debt (i.e., fine, late fee, returned check fee, and/or flagging fee) as permitted by this subsection shall not exceed two times the past due amount or total sum indebted to the Town. The Town may alternatively or further elect to file a civil suit against the responsible party to recover the fine and associated fees.

J. Boot or immobilization fee. In addition to any other authorized charges, a boot or immobilization fee of \$100 shall be charged a vehicle owner who violates this Article or is otherwise responsible which results in immobilization as described in this Article to defray the Town's cost of installing, removing and maintaining the boot device or other equipment.

K. Resolutions establishing fines, charges and fees. The Town Council is hereby authorized to specifically establish, set, adopt, amend or change from time to time by formal resolution any fines, fees, allowed interest, or charges established by this Article or as otherwise permitted by state law.

* * *

SECTION 2.

AND BE IT FURTHER ORDAINED AND ENACTED, that any prior ordinances adopting and enacting any provision of Article 15 of said Code or any other ordinance or resolution

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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 they conflict with 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 Emergency Ordinance shall take effect immediately upon its enactment, having been passed by the required ye and nay votes of the Mayor and Council of the Town of Forest Heights; however, the fine for a speed camera violation will remain \$40 until October 1, 2025, when the new graduated fine structure indicated above will take effect pursuant to HB 182.

SECTION 4.

AND BE IT FURTHER ORDAINED AND ENACTED, that upon passage, the Town Clerk shall cause to be published a fair summary of this Emergency Ordinance at least twice in the town newsletter or a newspaper having general circulation within the Town of Forest Heights, and that an executed copy of this Emergency Ordinance shall be transmitted to General Code Corporation for publication and codification.

SECTION 5.

AND BE IT FURTHER ORDAINED, that this Emergency Ordinance shall take effect immediately upon passage.

HAVING BEEN INTRODUCED AND HAVING BEEN READ as an emergency ordinance and passed by a ye and nay vote of the Mayor and Council of the Town of Forest Heights with the affirmative votes of at least five (5) of the members of the legislative body including the Mayor as indicated below at a Public Meeting of The Mayor and Council of the Town of Forest Heights held on this 17th day of September, 2025, at 8:00 o'clock p.m., in the Municipal Building in Forest Heights, Maryland.

PASSED this 17th day of September 2025.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

LITTLE

YEA

KENNEDY II

ABSENT

NOBLE

YEA

CAPITALS

[~~Brackets~~]

Asterisks * * *

- : Indicate matter to be added to existing law
- : Indicate matter to be deleted from existing law
- : Indicate that text is retained from existing law but omitted herein.

MCDONALD	<u>YEA</u>
HINES	<u>YEA</u>
LILLY	<u>YEA</u>
BROWNSON	<u>YEA</u>

I HEREBY CERTIFY that the above Ordinance 02 - 25 was passed by the required yeas and nays vote of the Mayor and Council of Forest Heights on the 17TH day of September 2025.

ATTEST: THE TOWN OF FOREST HEIGHTS

LaToya Chisolm
LaToya Chisolm, Town Clerk

By: Troy Lilly
Troy Lilly (Sep 18, 2025 15:29:22 EDT)
Troy Barington Lilly, Mayor

By: Paula Noble
Paula Noble (Sep 18, 2025 16:27:08 EDT)
Paula Noble, Council President

CERTIFICATION

I HEREBY CERTIFY that following its passage, a summary of this Ordinance No. 02 -25 has been published at least twice in the Town and/or a newspaper having general circulation in the Town of Forest Heights and that an executed copy of this ordinance has been delivered to General Code, LLC for codification.

Date: 9.17.2025

LaToya Chisolm
LaToya Chisolm, Town Clerk

CAPITALS	:	Indicate matter to be added to existing law
[Brackets]	:	Indicate matter to be deleted from existing law
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

EMERGENCY ORDINANCE NO. 02-25

Final Audit Report

2025-09-18

Created:	2025-09-18
By:	LaToya Chisolm (lchisolm@forestheightsmd.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAPnbiGmWV9dgTbyp_DfKc1j3XUydTwc5T

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-  Document created by LaToya Chisolm (lchisolm@forestheightsmd.gov)
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-  Signer pnoble@forestheightsmd.gov entered name at signing as Paula Noble
2025-09-18 - 8:27:06 PM GMT
-  Document e-signed by Paula Noble (pnoble@forestheightsmd.gov)
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-  Agreement completed.
2025-09-18 - 8:27:08 PM GMT