



FIRST READING: May 07, 2024
SECOND READING/ADOPTION: June 04, 2024
POSTED: July 01, 2024
EFFECTIVE DATE: July 01, 2024

CITY OF MOUNT RAINIER, MARYLAND
Ordinance No. 04-2024

Introduced by the Mayor & City Council
Amended after introduction

Amending the Code of Ordinances of the City of Mount Rainier, Chapter 13 "Traffic", to add Section 13-123.1, "Stop Sign Monitoring Systems," to implement the authority of Md. Code Ann., Transp. Art. § 21-707.1 in accordance with the provisions thereof; and to amend Section 13-124, "Failure to pay fine for red light camera or speed camera violation," to add stop sign monitoring system violations.

WHEREAS, pursuant to § 5-202 of the Local Government Article of the Annotated Code of Maryland, the Council of the City of Mount Rainier, Maryland (the "City Council") 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, by Ordinance No. 09-2009, pursuant to the authority of Md. Code Ann., Transp. Art, the City Council adopted an uncodified ordinance authorizing use of photo speed monitoring systems in school zones in the City of Mount Rainier, Ordinance No. 9-2009; and

WHEREAS, by Ordinance 07-2022, the City Council codified the aforementioned Ordinance as § 13-321, of Chapter 13, "Traffic" of the City Code; and

WHEREAS, effective July 1, 2024, Md. Code Ann., Transp. Art., § 21-707.1 ("TR 21-707.1"), will authorize the City to implement a stop sign monitoring system, provided the City has enacted legislation implementing such a program; 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.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Council of the City of Mount Rainier that Section 13-123.1, "Stop sign monitoring system" be and hereby is added to the City Code, to read as follows:

UNDERLINED SMALL CAPS: Indicate language added to the City Code.

~~**BOLD DOUBLE STRIKE THROUGH**~~ INDICATES MATTER DELETED AFTER INTRODUCTIONS

BOLD DOUBLE UNDERLINING INDICATES MATTER ADDED AFTER INTRODUCTION

SECTION 13-123.1. STOP SIGN MONITORING SYSTEMS.

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

1. "DEPARTMENT" MEANS THE MOUNT RAINIER POLICE DEPARTMENT.

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:

(A) ON:

(I) TWO OR MORE A PHOTOGRAPHS,

(II) TWO OR MORE A MICROPHOTOGRAPHS,

(III) TWO OR MORE ELECTRONIC IMAGES,

(IV) 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 THIS SUBTITLE.

(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 MAINTAINED BY THE CITY, IF AUTHORIZED BY THE CITY COUNCIL; AND

2. ON STATE HIGHWAYS LOCATED IN A SCHOOL ZONE, IF AUTHORIZED BY THE STATE HIGHWAY ADMINISTRATION.

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

(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

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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(H)(3)-(H)(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
THE REGISTRATION NUMBER OF THE MOTOR VEHICLE INVOLVED IN THE VIOLATION;
- (B) THE VIOLATION CHARGED;
- (C) TO THE EXTENT POSSIBLE, THE LOCATION OF THE VIOLATION;
THE DATE AND TIME OF THE VIOLATION;
- (D) A COPY OF THE RECORDED IMAGE;
- (E) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE BY WHICH THE CIVIL PENALTY MUST BE PAID;
- (F) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY THE AGENCY THAT, BASED ON THE INSPECTION OF THE RECORDED IMAGE, THE MOTOR VEHICLE WAS BEING OPERATED DURING THE COMMISSION OF A VIOLATION;
- (G) A STATEMENT THAT THE RECORDED IMAGE IS EVIDENCE OF A VIOLATION;
AND
- (H) 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

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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

(III) 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)(1) 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) THE PENALTY FOR A FAILING TO STOP AT A STOP SIGN IN THE CITY AS DETECTED BY THE CITY'S STOP SIGN MONITORING SYSTEM OF THIS SECTION SHALL BE \$40.00, OR THE MAXIMUM AMOUNT PERMITTED BY STATE LAW, WHICHEVER IS GREATER.

SECTION 2. AND, BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of Mount Rainier that Section 13-124, "Failure to pay fine for red light camera or speed camera violation," be and hereby is amended to read as follows:

Section 13-124. - Failure to pay fine for red light camera or speed camera violation.

The Mayor and City Council may contract with a collection agency or law firm or use other legal means to collect unpaid fines on a citation for a speeding offense detected by the City's speed monitoring system cameras or for failing to stop for a red traffic signal as detected by the City's Red Light Camera Program OR FOR FAILING TO STOP AT A STOP SIGN AS DETECTED BY THE CITY'S STOP SIGN MONITORING SYSTEM, if such fine remains unpaid for more than sixty (60) days after becoming due, and may charge the costs of such collection to the violator

Section 3. **BE IF FURTHER ORDAINED** by the Council of the City of Mount

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Rainier that, this Ordinance is adopted by the Council of the City of Mount Rainier this 4th day of ~~May~~June, 2024, and shall take effect on the 1st day of July, 2024, provided that a fair summary has been read at the meeting at which it is introduced and adopted, that a copy shall be posted at City Hall for at least two weeks after it becomes effective, and that a fair summary is published at least once in a newspaper having general circulation in the City, inclusive of the City's newsletter mailed or otherwise delivered to every City household, and further provided that the Mayor and Council shall hold a public hearing on the ordinance at a meeting held not less than fourteen (14) days nor more than forty-five (45) days after its adoption.

Attest:

M. Sam
Melissa Sam, City Clerk

[Signature]
Celina Benitez, Mayor

[Signature]
Luke Cheseck, Councilmember Ward 1

[Signature]
Jarrett Stoltzfus, Councilmember Ward 2

[Signature]
Valerie Woodall, Councilmember Ward 2

[Signature]
Danielle Carter, Councilmember Ward 1

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