TOWN OF DENTON, MARYLAND

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DENTON TO AMEND THE CODE OF THE TOWN OF DENTON, MARYLAND BY AMENDING ARTICLE X, ENTITLED "SPEED MONITORING SYSTEMS", TO PROVIDE FOR THE COLLECTION OF CERTAIN FEES FOLLOWING THE ASSESSMENT OF CIVIL PENALTIES FOR VIOLATIONS OF SPEED MONITORING SYSTEMS IN SCHOOL ZONES IN THE TOWN.

WHEREAS, the Town of Denton (the "Town") is a municipal corporation of the State of Maryland; and

WHEREAS, Article XI-E of the Maryland Constitution, Article 23A of the Annotated Code of Maryland and the Town Charter authorize the Town to enact ordinances for the protection and promotion of public safety, health, morals and welfare; and

WHEREAS, §21-803.1 and §21-809 of the Transportation Article of the Maryland Annotated Code authorizes municipalities to establish school zones and to enact speed monitoring system enforcement programs; and

WHEREAS, the Town adopted a speed monitoring system enforcement program on November 10, 2011 pursuant to Ordinance No. 641; and

WHEREAS, the Town has determined that incidental costs of the program should be borne by owner or drivers of motor vehicles traveling is excess of the posted speed limit in school zones; and

WHEREAS, a public hearing on this Ordinance was held on _____, 2014.

NOW THEREFORE, the Denton Town Council hereby ordains as follows:

SECTION 1. The recitals set forth above are incorporated herein by reference and made a part of this Ordinance.

SECTION 2. The Code of the Town is hereby amended by repealing §120-47-Payment of Civil Penalties and re-enacting the section to read as follow:

§ 120-46. Civil Penalty.

Unless the owner or driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of the motor vehicle is subject to a civil penalty in the amount of $40 if the motor vehicle being driven is recorded by a speed monitoring system as being operated in a school zone in excess of the posted speed limit, with such penalty to be assessed in accordance with §21-809 of the Transportation Article of the Annotated Code of Maryland, as may be amended from time to time.

§ 120-47. Payment of civil penalties.

A. 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. An additional late fee of $25.00 shall be due and payable for any uncontested citation that remains unpaid for more than thirty (30) days after issuance of the citation.

B. The penalty and additional fees may be paid by credit or debit card. A convenience fee of $6.00 will be applied to all payments made by credit or debit card.

C. In the event the penalty for an uncontested citation remains unpaid and the Town reports the unpaid citation to the Maryland Motor Vehicle Administration under its registration renewal flagging program, a fee of $25.00 will be due to the Town once the citation is paid and the Town is requested to release the hold on the renewal of the vehicle's registration.

D. 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(a) of the Courts and 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.

SECTION 3. If any section, paragraph clause or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of this Ordinance.

SECTION 4. In accordance with § C3-12 of the Town Charter, this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect seven (7) days from and after the date of its final passage and adoption.

ENACTED this ____ day of _____ 2014.

ATTEST:

_____
Karen L. Monteith, Clerk-Treasurer

DENTON TOWN COUNCIL

_____
Dennis D. Porter, Mayor

_____
Robert L. Clendaniel, Councilperson

_____
Abigail McNinch, Councilperson

_____
Tara Lightner, Councilperson

_____
Lester L. Branson, Councilperson

Approved for legal sufficiency this _____ day of _____, 2014.

_____
Christopher F. Drummond, Esquire

Date Introduced_____
Date Amendments Introduced_____
Date Passed_____
Effective Date_____