



Ordinance No. 2026-02

Introduced: August 17th, 2026

Adopted: August __, 2026

Effective: ____, 2026

**TOWN OF BARNESVILLE
MONTGOMERY COUNTY, MARYLAND**

AN ORDINANCE OF THE COMMISSIONERS OF BARNESVILLE AUTHORIZING THE USE OF SPEED MONITORING SYSTEMS IN RESIDENTIAL DISTRICTS WITHIN THE TOWN; ESTABLISHING CIVIL PENALTIES ON A GRADUATED SCALE; PROVIDING FOR NOTICE, SIGNAGE, CALIBRATION, PROGRAM ADMINISTRATION AND USE OF REVENUE; AND GENERALLY RELATING TO AUTOMATED SPEED ENFORCEMENT

WHEREAS, Title 21, Subtitle 8 of the Transportation Article of the Annotated Code of Maryland ("TR"), and specifically TR § 21-809, authorizes a municipal corporation in Montgomery County to implement and use speed monitoring systems on highways in residential districts with a maximum posted speed limit of 35 miles per hour, provided the speed limit was established using generally accepted traffic engineering practices; and

WHEREAS, the governing body of a local jurisdiction must authorize the use of speed monitoring systems by local law enacted after reasonable notice and a public hearing; and

WHEREAS, Montgomery County previously operated speed monitoring systems at two locations within the corporate limits of the Town of Barnesville; and

WHEREAS, the Commissioners of Barnesville desire to assume operation of speed monitoring systems at those same locations (and any additional residential-district locations hereafter designated) through a qualified speed monitoring system vendor, in order to promote public safety, reduce speeding, and protect residents, pedestrians, and motorists; and

WHEREAS, House Bill 182 (Chapter 505 of the 2025 Laws of Maryland), effective October 1, 2025, established a graduated civil-penalty structure for speed monitoring system violations based on the excessiveness of the speeding, ranging from Forty Dollars (\$40) to Four Hundred Twenty-Five Dollars (\$425); and

WHEREAS, Section 74-12(27) of the Barnesville Town Charter authorizes the Town Commissioners to adopt by ordinance and enforce within the corporate limits of the Town reasonable regulations for the promotion of the health, safety, comfort, convenience, welfare and security of the residents of and visitors

in the town including, but not limited to, sanitary, fire, building, plumbing, traffic, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this charter; and

WHEREAS, after proper notice to the public, the Commissioners of Barnesville introduced this Ordinance in an open meeting conducted on the 17th day of August, 2026; and

WHEREAS, the Commissioners find that the use of speed monitoring systems in residential districts within the Town will advance the health, safety, and general welfare of the Town and its occupants.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Commissioners of Barnesville, Maryland, acting under and by the authority granted by TR § 21-809, § 5-205 et seq. of the Local Government Article, and Section 74-12 of the Barnesville Town Charter, as follows:

SECTION 1. Authorization.

The Commissioners of Barnesville hereby authorize the use of speed monitoring systems within the corporate limits of the Town on highways in residential districts, as defined in TR § 21-101 and this Ordinance, that have a maximum posted speed limit of 35 miles per hour established using generally accepted traffic engineering practices. The systems may operate twenty-four (24) hours per day, seven (7) days per week as pursuant to State law.

SECTION 2. Definitions.

For purposes of this Ordinance, the following terms have the meanings indicated:

- (a) “Agency” means the Town of Barnesville or any department, office, or designee established or designated by the Commissioners to implement and administer the speed monitoring system program under TR § 21-809.
- (b) “Erroneous violation” has the meaning stated in TR § 21-809(a).
- (c) “Owner” means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of six months or more, except that “owner” does not include a motor vehicle rental or leasing company or a holder of a special registration plate issued under Title 13, Subtitle 9, Part III of the Transportation Article.
- (d) “Program Administrator” means a Town employee or representative designated by the Commissioners (or by the Town Clerk if so authorized) to oversee the contract with the speed monitoring system contractor.
- (e) “Recorded image” means an image recorded by a speed monitoring system on a photograph, microphotograph, electronic image, videotape, or any other medium that shows the rear of a motor vehicle, at least two time-stamped images of the motor vehicle that include the same stationary object near the motor vehicle, and on at least one image a clear and legible identification of the entire registration plate number of the motor vehicle.
- (f) “Residential district” means an area that is not a business district as defined in TR § 21-101(f) and that adjoins and includes a highway where the property along the highway, for a distance of at least 300 feet, is improved mainly with residences or residences and buildings used for business, and that has a speed limit established using generally accepted traffic engineering practices.

(g) “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.

(h) “Speed monitoring system operator” means a representative of the Agency or a designated person that operates a speed monitoring system.

SECTION 3. Designation of Locations; Initial Sites.

(a) The residential district for purposes of this Ordinance consists of all highways and portions of highways within the corporate limits of the Town of Barnesville on which the property along the highway, for a continuous distance of at least 300 feet, is improved mainly with residences or residences and buildings used for business, and on which the maximum posted speed limit is 30 miles per hour (or any other speed limit of 35 mph or less established using generally accepted traffic engineering practices). Without limiting the foregoing, the residential district specifically includes, but is not limited to:

- (1) Barnesville Road within the corporate limits of the Town;
- (2) West Harris Road within the corporate limits of the Town; and
- (3) Maryland Route 109 (Beallsville Road / Old Hundred Road) within the corporate limits of the Town.

(b) The Commissioners may, by ordinance or resolution following reasonable notice and a public hearing, establish or modify residential districts and designate specific locations for the placement and operation of speed monitoring systems on any road under the Town’s jurisdiction or, with appropriate permission, on any County or State road within a residential district in the Town.

(c) The two locations previously operated by Montgomery County within the corporate limits of the Town, as shown on the map attached hereto as Exhibit A, located near 22330 MD-109 (Old Hundred Rd.), and located near 18401 Barnesville Rd. (county road CO237), and incorporated herein by reference, are hereby designated as authorized speed monitoring system sites in residential districts, subject to compliance with all notice, signage, and other requirements of this Ordinance and State law. Additional or alternative sites may be designated by subsequent resolution of the Commissioners.

(d) Before activating a speed monitoring system at any location, the Town 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 (or by such other method of reasonable public notice as the Commissioners may approve); and
- (2) Ensure that each sign that designates the residential district is proximate to a sign that indicates that speed monitoring systems are in use in the residential district, and that such signage is in accordance with the Manual on Uniform Traffic Control Devices adopted by the State Highway Administration.

(e) If the Town moves or places a mobile or stationary speed monitoring system to or at a location where a speed monitoring system had not previously been moved or placed, the Town may not issue a citation for a violation recorded by that system until signage is installed in accordance with this Section and for at least the first 15 calendar days after the signage is installed.

SECTION 4. Program Administrator and Ombudsman.

(a) The Commissioners shall designate a Program Administrator to oversee the contract with any speed monitoring system contractor and to ensure compliance with this Ordinance and State law.

(b) The Commissioners shall designate an official or employee (who may not be the same person as the Program Administrator) to serve as the local designee/ombudsman to investigate and respond to questions or concerns about the speed monitoring system program. The designee shall review a citation if the person who received the citation requests review before the deadline for contesting liability. If the designee determines that the citation is an erroneous violation, the designee shall void the citation. The designee may not be employed by the speed monitoring system contractor.

(c) On receipt of a written question or concern, the local designee shall provide a written answer or response within a reasonable time. Written questions, concerns, and responses shall be available for public inspection.

SECTION 5. Operation, Training, and Calibration.

(a) A speed monitoring system operator shall complete training by the manufacturer in the procedures for setting up and operating the system, fill out and sign a daily set-up log stating that the operator successfully performed or reviewed the manufacturer-specified self-test prior to producing a recorded image, and keep the log on file. The log shall be admitted as evidence in any court proceeding for a violation of this Ordinance.

(b) A speed monitoring system manufacturer shall issue a signed certificate to the operator on completion of training, which certificate shall be admitted as evidence in any court proceeding.

(c) A speed monitoring system shall undergo an annual calibration check performed by an independent calibration laboratory. The laboratory shall issue a signed certificate of calibration that shall be kept on file and admitted as evidence in any court proceeding.

SECTION 6. Civil Penalties; Graduated Fines.

(a) A violation recorded by a speed monitoring system is a civil citation. Unless the driver of the motor vehicle received a citation from a police officer or other authorized agent or official at the time of the violation, the owner (or, under the circumstances permitted by State law, 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 in violation of this Ordinance or TR § 21-801 et seq.

(b) The civil penalty for a speed monitoring system violation shall be as follows, consistent with TR § 21-809 as amended by Chapter 505 of the 2025 Laws of Maryland:

(1) If the citation alleges that the driver exceeded the speed limit by between 12 and 15 miles per hour, inclusive — Forty Dollars (\$40.00);

(2) If the citation alleges that the driver exceeded the speed limit by between 16 and 19 miles per hour, inclusive — Seventy Dollars (\$70.00);

(3) If the citation alleges that the driver exceeded the speed limit by between 20 and 29 miles per hour, inclusive — One Hundred Twenty Dollars (\$120.00);

(4) If the citation alleges that the driver exceeded the speed limit by between 30 and 39 miles per hour, inclusive — Two Hundred Thirty Dollars (\$230.00); and

(5) If the citation alleges that the driver exceeded the speed limit by 40 miles per hour or more — Four Hundred Twenty-Five Dollars (\$425.00).

(c) An additional late fee may be assessed if the penalty is not paid within thirty (30) days after the issuance of the citation, in an amount established by the Commissioners or permitted by State law.

(d) The penalty shall be paid to the Town of Barnesville. Unpaid violations may be forwarded for collection. In a contested case before the District Court of Maryland, the penalty shall be collected and distributed in accordance with applicable provisions of the Courts and Judicial Proceedings Article and the Transportation Article.

SECTION 7. Citations, Adjudication, Defenses, and Related Provisions.

(a) Citations.

(1) Subject to the provisions of this Section, the Agency shall mail or cause to be mailed to an owner liable under this Ordinance a citation, upon a form prescribed by the District Court of Maryland, that shall include the information required by Md. Code Ann., Transp. Art., § 21-809.

(2) The Agency may mail a warning notice instead of a citation to the owner liable under this Ordinance and, for a period of thirty (30) days after the Town installs the first speed monitoring system, the Agency shall mail only a warning notice and may not issue a citation.

(3) Except as provided in subsection (c)(5) of this Section, the Town may not mail a citation to a person who is not an owner.

(4) Except as provided in the ombudsman provisions of this Ordinance and subsection (c)(5) of this Section, a citation issued under this Section shall be mailed no later than two (2) weeks after the alleged violation if the vehicle is registered in this State, and thirty (30) days after the alleged violation if the vehicle is registered in another state.

(5) A person who receives a citation under subsection (a) of this Section may:

- (i) Pay the civil penalty, in accordance with the instructions on the citation, directly to the Town; or
- (ii) Elect to stand trial in the District Court for the alleged violation.

(b) Adjudication.

(1) A certificate alleging that a violation of Subtitle 8 (Speed Restrictions) of Title 21 of the Transportation Article occurred and that the requirements under Md. Code Ann., Transp. Art., § 21-809(b) have been satisfied, sworn to or affirmed by a duly authorized law enforcement officer or other authorized employee, agent or official employed by or under contract with the Town based on inspection of recorded images produced by a speed monitoring system, shall be evidence of the facts contained in the certificate and shall be admissible in a proceeding alleging a violation under this Ordinance without the presence or testimony of the speed monitoring system operator.

(2) If a person who received a citation under subsection (a) of this Section desires the speed monitoring system operator to be present and testify at trial, the person shall notify the Court and the Town in writing no later than twenty (20) days before trial.

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

(c) Defenses.

(1) Pursuant to Md. Code Ann., Transp. Art., § 21-809, the District Court may consider in defense of a violation:

- (i) Subject to subsection (c)(2) of this Section, 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;
- (ii) Subject to subsection (c)(3) of this Section, 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 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 subsection (c)(1)(ii) of this Section, the person named in the citation shall provide to the District Court, submitted through the Agency, a letter sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

- (i) States that the person named in the citation was not operating the vehicle at the time of the violation; and
- (ii) Includes any other corroborating evidence.

(4) Should the Agency have cause or reason to believe that the operator was an employee or agent acting within the owner's scope of employment or agency and was acting in furtherance of the owner's interests at the time of the violation, the Agency may file a motion using the Court's form (i.e., Form DC-2) opposing the sworn request letter and stating the reasons why such request should be denied or otherwise stating why liability should be jointly shared by the operator and the owner. Said motion shall be reviewed by the Town Attorney, may be supported by affidavit, and may include any other corroborating evidence.

(5) Cases in which the cited person was not operating the vehicle.

(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 subsection (c)(3) of this Section identifying the person driving the vehicle at the time of the violation thereby transferring liability to the operator, the Clerk of the Court shall provide to the Agency 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 this subsection pursuant to State law, the Agency may issue a citation as provided in subsection (a) 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 subsection (c)(5)(B) of this Section shall be mailed no later than two (2) weeks after receipt of the evidence from the District Court.

(d) Pursuant to Md. Code Ann., Transp. Art., § 21-809, 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 re-register the motor vehicle cited for the violation; or

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

(e) Pursuant to Md. Code Ann., Transp. Art., § 21-809, 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 Transportation Article;

(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 § 26-305 of the Transportation Article; and

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

(f) Pursuant to State law and this Section, the Agency or its designee shall administer and process civil citations issued under this Section and State law in coordination with the District Court.

(g) An owner for whom the Maryland Motor Vehicle Administration refuses to register or reregister a vehicle, or who receives a suspended registration pursuant to subsection (d) of this Section, but who subsequently pays the required fines, fees, and penalties, shall further remit to the Town a release fee of Thirty-Five Dollars (\$35.00) in addition to any release fees that may be collected by the Maryland Motor Vehicle Administration prior to release of said restriction. The release fee established by this subsection may be modified from time to time by resolution of the Commissioners.

Section 8. Administrative Fees; Registration Flagging; Referral for collection

(a) Late Fee. In addition to any fees as established elsewhere in this ordinance, the Commissioners of Barnesville hereby impose and may collect administrative fees related to the implementation of a program of speed enforcement using speed monitoring systems in school zones, or residential districts, within the Town of the Barnesville including a late fee of \$40 which shall be assessed for any fines paid more than 30 days from the date of issuance of a speed camera or red-light citation.

(b) Debt Collection Fee. Where any fees or fines are assessed or imposed in accordance with this ordinance, and where such fees or fines are unpaid and outstanding for 30 or more days, the Town, in its sole and absolute discretion and to the extent permitted by law, may refer such debt to a collection agency or an attorney for collection. For all accounts referred to a collection agency or an attorney for collection, such accounts shall be subject to a collection fee not to exceed two times the outstanding debt or the total sum indebted to the Town, whichever is greater. The Town may alternatively or further elect to file a civil suit against the debtor to recover such outstanding and unpaid fees or fines.

(c) Municipal Flagging Fee. The Commissioners of Barnesville or its designee 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 outstanding and past due speed-monitoring system violations of this Ordinance 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 Commissioners of

Barnesville shall impose an additional cost or municipal administrative flagging fee of \$40 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 Ordinance before notice is given to the administration that the subject violation penalty has been satisfied and the registration is to be released.

(d) Returned Check Fee. Any person who pays any penalty assessed under this Ordinance shall further pay a returned check fee of \$35 to the Town should the check be returned unpaid for any reason by the payor's bank.

SECTION 9. Use of Revenue.

Revenue received by the Town from the speed monitoring system program shall first be used to recover the costs of implementing and administering the program. Any remaining balance shall be used for public safety purposes as permitted by State law and as set forth in the annual budget adopted by the Commissioners.

SECTION 10. Contract Requirements.

Any contract with a speed monitoring system contractor shall comply with TR § 21-809, including provisions prohibiting certain future payments on a per-ticket basis to the extent required by State law and requiring the contractor to pay liquidated damages if more than five percent (5%) of the violations issued are erroneous as defined by law.

SECTION 11. Compliance with State Law; Reports.

The Town shall comply with all applicable requirements of TR § 21-809 and related State regulations, including any required annual reports to the Maryland Police Training and Standards Commission or other State agency.

SECTION 12. Severability.

If any part of this Ordinance is held invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

SECTION 13. Effective Date.

This Ordinance shall take effect on the ____ day of _____, 2026, provided that it has been:

- (a) Posted on the official Town website;
- (b) Posted in the Town Post Office; and
- (c) Sent to those persons listed on the official Town email list, if any.

INTRODUCED: August 17, 2026.

After review by the Commissioners of Barnesville this Ordinance is hereby adopted on _____ 2026.

Aye _____ Nay _____ Abstain _____

APPROVED ON THE ____ DAY OF _____, 2026

COMMISSIONERS OF BARNESVILLE:

Michael S. Zuckerman, Mayor

Alex Trouteaud, Commissioner

Michael J. Ortiz, Commissioner

ATTESTED:

Monique Talentino, Town Clerk

APPROVED AS TO FORM:

Kevin J. Best, Attorney

EXHIBIT A

(Map of SMS Sites in Barnesville Territory – two locations previously operated by Montgomery County)

The map entitled “SMS sites in Barnesville territory” presented to the Commissioners is incorporated by reference as Exhibit A and depicts the two initial authorized speed monitoring system locations within the Town’s corporate limits.

There are two Speed Monitoring System (SMS) sites and residential districts designated and identified in or near Barnesville at the approximate locations:

- 1) Eastern SMS Site: Located near 22330 MD-109 (Old Hundred Rd.).
- 2) Western SMS Site: Located near 18401 Barnesville Rd. (county road CO237).

