

**County Commissioners
of
Allegany County, Maryland**

Code Home Rule Bill No. 2-19

**“An Act to Amend Chapter 461 of the Code of Public Local
Laws of Allegany County, Maryland (2011 Edition as Amended)
to Prohibit the use of Traffic Law Photo-Monitoring Devices”**

Introduced: Jointly by the County Commissioners

Date: September 26, 2019

Hearing Date: October 10, 2019

Passed: October 10, 2019

Newspaper: The Cumberland Times-News

Publication: 10/16/19, 10/23/19, 10/30/19

Effective Date: November 24, 2019

Referendum Petition: _____

Posted on _____

CODE HOME RULE

BILL NO. 2-19

A Bill Entitled:

“AN ACT TO AMEND CHAPTER 461 OF THE CODE OF PUBLIC LOCAL LAWS OF ALLEGANY COUNTY, MARYLAND (2011 EDITION AS AMENDED) TO PROHIBIT THE USE OF TRAFFIC LAW PHOTO-MONITORING DEVICES”

SECTION I.

WHEREAS, Chapter 461 of the Code of Public Local Laws of Allegany County, Maryland, notes certain provisions regarding the regulation of streets, roads and sidewalks in Allegany County, Maryland;

WHEREAS, it is desired to amend the current Code of Public Local Laws of Allegany County, Maryland to prohibit the use of traffic law photo-monitoring devices on roadways constructed or improved and accepted into the County roads system;

WHEREAS, the Board of County Commissioners of Allegany County, Maryland find that the amendment to the current code is necessary for the betterment of the citizens of the County.

NOW, THEREFORE, in accordance with the authority granted by the State of Maryland, it is hereby proposed that the following amendments be approved and enacted to Chapter 461 of the Code of Public Local Laws of Allegany County, Maryland (2011 Edition):

§ 492-9 Prohibition of the use of traffic law photo-monitoring devices to detect or prove traffic law violations.

- (a) As used in this section “traffic law photo-monitoring device” means an electronic system consisting of a photographic, video, or electronic camera and a means of sensing the presence of a motor vehicle that automatically produces photographs, videotape, or digital images of the vehicle, its operator, or its license plate.**
- (b) This section only applies to roadways constructed or improved and accepted into the County roads system for maintenance.**
- (c) No police officer may utilize on the subject roadway a traffic law photo-monitoring device to determine compliance with, or to detect a violation of a county ordinance**

or any provision of this code that governs or regulates the operation of motor vehicles.

- (d) A violation of a county ordinance or any provision of this code that governs or regulates the operation of motor vehicles on the subject roadway may not be proved by evidence obtained by the use of traffic law photo-monitoring device.**
- (e) The provisions of this section do not prohibit the use of any device designed to measure and indicate the speed of a moving object by means of microwaves or reflected light to obtain evidence to prove the speed of a motor vehicle.**
- (f) The provisions of this section do not prohibit use of a traffic law photo-monitoring device for any other lawful purposes other than to obtain evidence to prove violations of county ordinances or any provision of this code governing or regulating the operation of motor vehicles.**
- (g) Nothing in this section prohibits the use of traffic law photo-monitoring device on roadways maintained by the State of Maryland or municipal government located within Allegany County, Maryland.**

SECTION II.

Sections comprising Article II through Article III of Chapter 461 of the Code of Public Local Laws of Allegany County, Maryland shall be renumbered to reflect the addition of the provisions of this Code Home Rule Bill.

SECTION III.

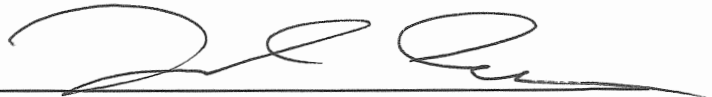
All other provisions of the *Code of Public Local Laws of Allegany County, Maryland (2011 Edition, as amended)*, ordinances, regulations, and orders, or parts thereof, inconsistent with the terms and provisions of this Bill are hereby repealed.

SECTION IV.


AND BE IT FURTHER ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ALLEGANY COUNTY, MARYLAND, that this Act shall be effective forty-five (45) days after its passage.

PASSED this 10 day of October, 2019.

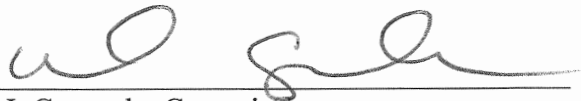
**BOARD OF COUNTY COMMISSIONERS
OF ALLEGANY COUNTY, MARYLAND**



Jacob C. Shade, President

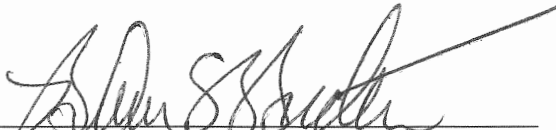


Creade V. Brodie, Jr. Commissioner



David J. Caporale, Commissioner

ATTEST:



Brandon S. Butler, County Administrator