

**CITY OF BALTIMORE
COUNCIL BILL 12-0116
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: August 13, 2012
Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Department of Transportation, Baltimore Development Corporation, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Commercial Vehicle Monitoring System – Establishment**

3 FOR the purpose of authorizing the use of commercial vehicle monitoring systems, subject to
4 certain standards, procedures, requirements, and limitations; authorizing certain civil
5 penalties for violations; mandating the issuance of a warning for a first offense; defining
6 certain terms; requiring certain rules and regulations; and providing for a special effective
7 date.

8 BY adding

9 Article 31 - Transit and Traffic
10 Section(s) 34-1 through 34-7, to be under the new subtitle,
11 “Subtitle 34. Commercial Vehicle Monitoring System”
12 Baltimore City Code
13 (Edition 2000)

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
15 Laws of Baltimore City read as follows:

16 **Baltimore City Code**

17 **Article 31. Transit and Traffic**

18 **SUBTITLE 34. COMMERCIAL VEHICLE MONITORING SYSTEM**

19 **§ 34-1. DEFINITIONS.**

20 (A) *IN GENERAL.*

21 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 (B) *COMMERCIAL VEHICLE MONITORING SYSTEM.*

2 “COMMERCIAL VEHICLE MONITORING SYSTEM” MEANS A MONITORING SYSTEM
3 AUTHORIZED BY THE ENABLING LAW TO ENFORCE LOCAL RESTRICTIONS ON THE PRESENCE
4 OF CERTAIN VEHICLES IN CERTAIN PLACES DURING CERTAIN TIMES.

5 (C) *ENABLING LAW.*

6 “ENABLING LAW” MEANS STATE TRANSPORTATION ARTICLE § 24-111.3.

7 **§ 34-2. USE OF SYSTEM AUTHORIZED.**

8 THE USE OF A COMMERCIAL VEHICLE MONITORING SYSTEM IS AUTHORIZED IN BALTIMORE
9 CITY TO ENFORCE RESTRICTIONS ON THE PRESENCE OF CERTAIN VEHICLES IN CERTAIN PLACES
10 DURING CERTAIN TIMES.

11 **§ 34-3. GOVERNING STANDARDS, ETC.**

12 (A) *IN GENERAL.*

13 A COMMERCIAL VEHICLE MONITORING SYSTEM MAY NOT BE USED EXCEPT IN
14 ACCORDANCE WITH AND SUBJECT TO THE PREREQUISITES, STANDARDS, PROCEDURES,
15 REQUIREMENTS, LIMITATIONS, AND OTHER PROVISIONS OF:

16 (1) THE STATE ENABLING LAW; AND

17 (2) THIS SUBTITLE AND THE RULES AND REGULATIONS ADOPTED UNDER THIS
18 SUBTITLE.

19 (B) *MAXIMUM NUMBER OF OPERATIONAL CAMERAS.*

20 NO MORE THAN 6 CAMERAS MAY BE OPERATIONAL AT ANY ONE TIME.

21 **§ 34-5. ENFORCEMENT.**

22 A VIOLATION RECORDED BY A COMMERCIAL VEHICLE MONITORING SYSTEM IS ENFORCEABLE
23 AS PROVIDED IN THE STATE ENABLING LAW.

24 **§ 34-6. FINE PROCEEDS.**

25 THE FINES THAT THE CITY COLLECTS THROUGH A COMMERCIAL VEHICLE MONITORING SYSTEM
26 MAY BE EXPENDED BY THE CITY ONLY FOR THE PURPOSES SPECIFIED IN THE STATE ENABLING
27 LAW.

28 **§ 34-7. RULES AND REGULATIONS.**

29 (A) *IN GENERAL.*

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1 THE DEPARTMENT OF TRANSPORTATION AND THE POLICE DEPARTMENT MAY JOINTLY
2 DEVELOP AND ADOPT RULES AND REGULATIONS TO GOVERN THE IMPLEMENTATION AND
3 USE OF A COMMERCIAL VEHICLE MONITORING SYSTEM.

4 (B) *COVERAGE.*

5 THESE RULES AND REGULATIONS MAY, AMONG OTHER THINGS, ESTABLISH PROCEDURES
6 AND STANDARDS FOR:

- 7 (1) THE PROCUREMENT OF SYSTEM DEVICES;
8 (2) THE EMPLOYMENT OR PROCUREMENT OF SYSTEM OPERATORS; AND
9 (3) THE PLACEMENT AND OPERATION OF SYSTEM DEVICES.

10 (C) *TO BE COMPLIANT WITH ENABLING LAW.*

11 ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE COMPLIANT WITH
12 THE STATE ENABLING LAW.

13 (D) *PUBLIC COMMENT.*

- 14 (1) ALL RULES AND REGULATIONS PROPOSED UNDER THIS SUBTITLE MUST BE PUBLISHED
15 FOR PUBLIC COMMENT ON THE WEBSITE OF THE DEPARTMENT OF TRANSPORTATION
16 FOR AT LEAST 30 DAYS.
17 (2) AFTER THIS COMMENT PERIOD, THE DEPARTMENT OF TRANSPORTATION AND THE
18 POLICE DEPARTMENT MAY MODIFY THE PROPOSED RULES AND REGULATIONS AND
19 ADOPT FINAL RULES AND REGULATIONS.

20 (E) *FILING WITH LEGISLATIVE REFERENCE.*

21 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED
22 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

23 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
24 are not law and may not be considered to have been enacted as a part of this or any prior
25 Ordinance.

26 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the later of
27 (i) the date on which this Ordinance is enacted or (ii) October 1, 2012.