

Ordinance No.: 08-10  
Introduced: July 9, 2008  
Adopted: August 6, 2008  
Effective Date: August 6, 2008

**TOWN OF CHEVY CHASE**

**SUBJECT:** AN ORDINANCE TO AMEND SECTION 15-4 OF THE TOWN OF CHEVY CHASE MUNICIPAL CODE TO ESTABLISH SPECIAL SCHOOL ZONE SPEED LIMITS ON CERTAIN TOWN ROADWAYS; AND TO AUTHORIZE THE TOWN MANAGER TO PROVIDE FOR THE ERECTION AND MAINTENANCE OF SPEED LIMIT SIGNS IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

WHEREAS, Section 2(a) of Article 23A of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the municipality; and

WHEREAS, Section 25-102(a)(10) of the Transportation Article of the Maryland Code grants to the legislative body of every local authority in Maryland, including the Town of Chevy Chase, the power to alter speed limits as provided in Title 21, Subtitle 8 of the Transportation Article; and

WHEREAS, Section 21-803 of the Transportation Article of the Maryland Code grants to the legislative body of every local authority in Maryland, including the Town of Chevy Chase, general power to alter the speed limits specified in the Transportation Article, if, on the basis of an engineering and traffic investigation, the local authority determines that any maximum speed limit specified therein is greater or less than reasonable or safe under existing conditions on any part of a roadway in its jurisdiction; and

WHEREAS, Section 21-803 of the Transportation Article of the Maryland Code grants to the legislative body of every local authority in Maryland, including the Town of Chevy Chase, general power to alter the speed limits specified in the Transportation Article to decrease the maximum speed limit in a school zone to 15 miles per hour during school hours; and

WHEREAS, Section 21-803.1 of the Transportation Article of the Maryland Code grants to the legislative body of every local authority in Maryland, including the Town of Chevy Chase, the power to establish a school zone and the maximum speed limits applicable in the school zone and to provide that fines are to be doubled for speeding violations within the school zone; and

WHEREAS, Section 25-106 of the Transportation Article of the Maryland Code authorizes every local authority in Maryland, including the Town of Chevy Chase, to place and maintain those traffic control devices that the local authority considers necessary to carry out the provisions of the Maryland Vehicle Law or local traffic ordinances or to regulate, warn, or guide traffic; and

WHEREAS, the Town's traffic consultant, Joseph Cutro, P.E., conducted an engineering and traffic investigation in the Town and has recommended that the Town Council establish the speed limits set forth in this Ordinance to promote the public health, safety and welfare; and

WHEREAS, Section 301(a) of the Charter of the Town of Chevy Chase authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and for such other police or health matters as it may deem necessary; and

WHEREAS, the Town Council introduced the following ordinance in public session assembled on the 9th day of July, 2008; and

WHEREAS, the Town Council held a public hearing on the following ordinance in public session assembled on the 6<sup>th</sup> day of August, 2008; and

WHEREAS, upon consideration of Mr. Cutro's engineering and traffic investigation and the testimony and evidence presented at the public hearing, the Town Council finds that 30 miles per hour, which is the speed limit for the Town roads under Section 12-801.1(b) of the Transportation Article of the Maryland Code, and 25 miles per hour which is the speed limit for Town roads under Section 15-3 of the Town Code are greater than reasonable and safe under existing conditions during school hours on the school-zone roads in the Town specified in this Ordinance; and

WHEREAS, upon consideration of Mr. Cutro's engineering and traffic investigation and the testimony and evidence presented at the public hearing, the Town Council finds that 15 miles per hour is reasonable and safe under existing conditions during school hours on the following streets which are in the school zone hereby established: (1) eastbound and westbound Rosemary Street between Meadow Lane and Maple Avenue; (2) northbound and southbound Hillcrest Place between Bradley Lane and Sycamore Street; (3) eastbound and westbound Stanford Street between Ridgewood Avenue and Rosemary Circle; (4) northbound and southbound Meadow Lane between Rosemary Street and Sycamore Street; (5) eastbound and westbound Beechwood Drive between Valley Place and Sycamore Street; and (6) northbound and southbound Valley Place from Beechwood Drive to Meadow Lane.

WHEREAS, upon consideration of the report and recommendations of Mr. Cutro, and the testimony and evidence presented at the aforesaid hearings, the Town Council finds that it is

appropriate, necessary and advisable for the public health, safety and welfare to establish the school zone and the speed limits set forth in this Ordinance and to erect speed limit signs at proper locations in accordance with the Manual on Uniform Traffic Control Devices; and

WHEREAS, the Town Council finds that the following ordinance is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town.

WHEREAS, Section 209 of the Town Charter provides that an ordinance becomes effective at the expiration of thirty (30) calendar days following passage; and

WHEREAS, the first day of school for the 2008/2009 school year is August 26, 2008; and

WHEREAS, the Town Council finds that it is necessary and appropriate to make the special school zone speed limit effective immediately so that signs can be posted notifying the public of the school zone prior to the first day of school so that vehicle operators will be aware of the streets comprising the school zone and the special school zone speed limit prior to the first day of school and will be prepared to comply with the special school zone speed limit on the first day of school; and

WHEREAS, the Town Council finds that it is necessary to adopt this ordinance as an emergency ordinance so that it will become effective immediately and that the provision of Section 209 of the Town Charter, providing that an ordinance becomes effective at the expiration of thirty (30) calendar days following its passage, will not apply.

NOW, THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance:

AN ORDINANCE TO AMEND SECTION 15-4 OF THE TOWN OF CHEVY CHASE MUNICIPAL CODE TO ESTABLISH SPECIAL SCHOOL ZONE SPEED LIMITS ON CERTAIN TOWN ROADWAYS; AND TO AUTHORIZE THE TOWN MANAGER TO PROVIDE FOR THE ERECTION AND MAINTENANCE OF SPEED LIMIT SIGNS IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

SECTION 1. BE IT ORDAINED AND ORDERED, this 6<sup>th</sup> day of August, 2008, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code, the Transportation Article of the Maryland Code, and the Town Charter, that Section 15-4 of the Town Code is amended to add a new subsection 15-4(d) to read as follows:

Sec. 15-4. Special speed limits

\* \* \*

**(d) The roadways described in this sub-section (d) are hereby declared and designated as a school zone. Fines for violation of the speed limits in this sub-section (d) shall be doubled. The speed limit on the following roadways shall be 15 miles per hour from 8:00 a.m. to 4:00 p.m. on school days:**

- (1) Eastbound and westbound Rosemary Street between Meadow Lane and Maple Avenue;**
- (2) Northbound and southbound Hillcrest Place between Bradley Lane and Sycamore Street;**
- (3) Eastbound and westbound Stanford Street between Ridgewood Avenue and Rosemary Circle;**
- (4) Northbound and southbound Meadow Lane between Rosemary Street and Sycamore Street;**
- (5) Eastbound and westbound Beechwood Drive between Valley Place and Sycamore Street; and**
- (6) Northbound and southbound Valley Place from Beechwood Drive to Meadow Lane.**

\* \* \*

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this 6<sup>th</sup> day of August, 2008, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code, the Transportation Article of the Maryland Code, and the Town Charter that the Town Manager is authorized to provide for the erection and maintenance of appropriate speed limit signs in accordance with the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways;" provided that no such sign shall be erected on State highways without the approval of the State Highway Administration.

SECTION 3. AND BE IT FURTHER ORDAINED AND ORDERED, this 6<sup>th</sup> day of August, 2008, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code, the Transportation Article of the Maryland Code, and the Town Charter, that this ordinance is adopted as an emergency ordinance and shall become effective immediately upon its passage.

SECTION 4. AND BE IT FURTHER ORDAINED AND ORDERED, this 6<sup>th</sup> day of August, 2008, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the

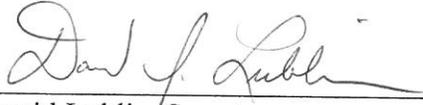
authority granted to it by Article 23A of the Maryland Code, the Transportation Article of the Maryland Code, and the Town Charter, that:

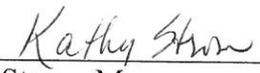
(1) Pursuant to Section 209 of the Town Charter, the Town Manager is directed to distribute this ordinance or a fair summary of this ordinance to each household within the Town; and

(2) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof.

ATTEST:

TOWN OF CHEVY CHASE

  
\_\_\_\_\_  
David Lublin, Secretary

  
\_\_\_\_\_  
Kathy Strom, Mayor  
Town of Chevy Chase

**Bold and Underline** indicates new material

[ ] indicates material deleted

\* \* \* indicates material unchanged