

Resolution No. 06-03
Introduced: 1/11/06
Adopted: 2/1/06
Effective Date: 3/23/06

RESOLUTION
OF
TOWN OF CHEVY CHASE

SUBJECT: AMENDMENT OF ARTICLE III, SECTION 304 OF TOWN CHARTER, ENTITLED, "MUNICIPAL INFRACTIONS" TO PROVIDE THAT THE TOWN COUNCIL MAY PROVIDE THAT VIOLATION OF A TOWN ORDINANCE CONSTITUTES A MUNICIPAL INFRACTION AND MAY ESTABLISH A FINE NOT EXCEEDING THE MAXIMUM FINE ALLOWABLE UNDER STATE LAW FOR SUCH VIOLATION AND TO INCREASE THE FINE FOR REPEAT OFFENDERS TO THE MAXIMUM ALLOWABLE UNDER STATE LAW.

WHEREAS, Article 23A, Section 3(b)(1) and (2) of the Annotated Code of Maryland authorizes the Town to provide that violations of Town ordinances and resolutions authorized by Article 23A shall be a municipal infraction, unless the violation is to be a misdemeanor, with a fine not to exceed \$1,000.00 for each municipal infraction; and

WHEREAS, pursuant to such authority the Town Council adopted Article III, Section 304 of the Town Charter, entitled "Municipal Infractions" authorizing the Town Council to provide that the violation of Town ordinances shall be a municipal infraction, unless declared to be a misdemeanor and to affix the penalties of a fine not exceeding one hundred (\$100.00) dollars with fines not to exceed two hundred (\$200.00) dollars for each repeat offense; and

WHEREAS, Article 23A, Section 12 of the Annotated Code of Maryland authorizes the Town Council to initiate amendments to the Town Charter; and

WHEREAS, the Town Council finds that amending the provisions of Article III, Section 304 of the Town Charter, entitled "Municipal Infractions" to authorize the Town Council to increase the fines for the violation of the Town Ordinance when such violation is designated as a municipal infraction is necessary for the good government of the Town; for the preservation of peace and good order; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town.

NOW THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following amendment to Article III, Section 304, entitled "Municipal infractions" so as to provide as follows:

Section 1.

Section 304. Municipal infractions.

(a) The council may provide that violation of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the state or other ordinance. For purposes of this article, a municipal infraction is a civil offense.


(b) A fine not to exceed the maximum allowable under State law may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed the maximum allowable under State law for each repeat offense, and each day a violation continues shall constitute a separate offense.

(c) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the town in writing of this intention at least five (5) days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in an additional fine or adjudication by the court.


(d) Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

ATTEST:

By:


Scott Orbach, Secretary

TOWN OF CHEVY CHASE


William H. Hudnut, III, Mayor