

Resolution No. 07-14
Charter Amendment No. 09

A CHARTER AMENDMENT TO AMEND SECTION 304 OF THE TOWN OF CHEVY CHASE CHARTER

Resolution of the Town Council of the Town of Chevy Chase (the “Town Council”) adopted pursuant to Article XI-E of the Constitution of Maryland, Article 23A, Section 13 of the Annotated Code of Maryland, and the Charter of the Town of Chevy Chase (the “Town Charter”) to amend Section 304(b) and delete Sections 304(c) and (d) of the Town Charter to delete provisions the subjects of which are governed by State law so as to avoid confusion and eliminate any current or future conflicts with State law.

Section 1. BE IT RESOLVED BY THE TOWN COUNCIL, that Section 304 of the Town Charter be amended to read as follows:

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.]

(NOTE: Underlining indicates language added to the Charter
[**Brackets**] denote language deleted from the Charter.)

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Charter Amendment No. 09

Section 2. AND BE IT FURTHER RESOLVED, that the date of the adoption of this Resolution is January 9, 2008 and that the Amendment to the Town Charter hereby proposed by this enactment shall be and become effective on February 28, 2008, unless a proper petition for a referendum hereon shall be filed as permitted by law.


Section 3. AND BE IT FURTHER RESOLVED, that a complete and exact copy of this Resolution shall be posted at the Town Hall, 4301 Willow Lane, Chevy Chase, Maryland 20815 until at least February 18, 2008 and a fair summary of this Resolution shall be published in a newspaper of general circulation in the Town of Chevy Chase not less than four (4) times, at weekly intervals before February 18, 2008.

Section 4. AND BE IT FURTHER RESOLVED, that as soon as the Charter Amendment hereby enacted shall become effective, either as herein provided or following a referendum, the Mayor shall send, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, the following information concerning the Charter Amendment: (1) the complete text of this Amendment to the Town Charter as hereby enacted; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for and against the question concerning the Charter Amendment, whether by the Town Council or in a referendum; and (4) the effective date of the Charter Amendment.

Section 5. AND BE IT FURTHER RESOLVED, that the Mayor be and is hereby specifically enjoined and instructed to carry out the provisions of Sections 3 and 4. As evidence of compliance herewith, the said Mayor shall cause to be placed in the Town files (1) appropriate certificates of publication of the newspaper in which a fair summary of this Resolution shall have

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Charter Amendment No. 09

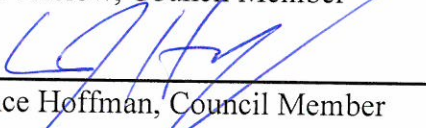
been published and (2) the return receipts of the mailing referred to in Section 4, and shall further complete and execute the Certificate of Effect attached hereto.




Linna Barnes, Mayor



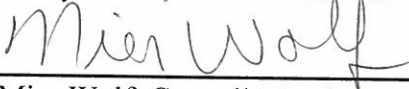
Rob Enelow, Council Member



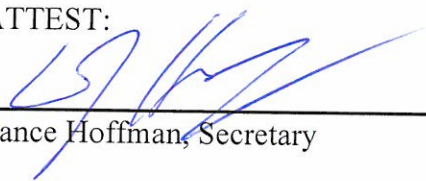
Lance Hoffman, Council Member



Kathy Strom, Council Member



Mier Wolf, Council Member

ATTEST:


Lance Hoffman, Secretary