

## CHAPTER 16

### VIOLATIONS OF ORDINANCES -- MISDEMEANORS AND MUNICIPAL INFRACTIONS (Procedure)<sup>1</sup>

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#### **Section 16-101. Definition.**

*Municipal infraction.* Any violation of this code shall be a municipal infraction, unless the violation is specifically declared to be a misdemeanor. For purposes of this code, a municipal infraction is a civil offense.

*Misdemeanor.* A misdemeanor is:

- (a) A criminal offense, not amounting to a felony, arising from a violation of a law of the state, which violation is defined as a misdemeanor; or
- (b) A violation of this code which is specifically declared to be a misdemeanor.

#### **Section 16-102. Issuance of citation.**

Those code enforcement officials authorized by the Council to enforce this code may deliver a citation to any person alleged to be committing a municipal infraction or on the basis of an affidavit submitted to the City Manager or his or her designee citing the facts of the alleged incident. A copy of the citation shall be retained by the city and shall bear the certification of the enforcing official attesting to the truth of the matter set forth in the citation. The citation shall contain at a minimum the following information:

- A. Name and address of the person charged;

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<sup>1</sup> **Cross references** - Administration, Ch. 1; health and nuisances (municipal infractions), Ch. 6; licenses and permits (municipal infractions), Ch. 7; refuse collection (municipal infractions), Ch. 11; streets (municipal infractions), Ch. 12; animal control (municipal infractions), Ch. 14; penalties, Ch. 17.

- B. The nature of the infraction;
- C. The location and time that the infraction occurred or was observed;
- D. The amount of the infraction fine assessed;
- E. The manner, location, and time in which the fine may be paid to the City;
- F. The person's right to elect to stand trial for the infraction; and
- G. The effect of failing to pay the assessed fine or demand a trial within the prescribed time.

**Section 16-103. Fines; Payment of fines.**

A fine not to exceed One Thousand Dollars (\$1,000) may be imposed for each municipal infraction. The fine is payable to the municipality by the person charged in the citation within 20 calendar days of service of a citation. Repeat offenders may be assessed a fine not to exceed One Thousand Dollars (\$1,000) for each repeat offense, and each day a violation continues shall constitute a separate offense.

**Section 16-104. No formal hearing by the City.**

The city shall not conduct any formal hearing for those persons in receipt of a municipal infraction citation. Any person so cited may pay the fine as indicated in the citation or elect to stand trial for the offense. This provision shall not prevent any person who has received a citation for a municipal infraction from requesting, either personally or through an attorney, additional information concerning the infraction.

**Section 16-105. Election to stand trial.**

Any person charged in a citation for an infraction may elect to stand trial for the offense by notifying the city in writing of his or her intent to stand trial. The notice shall be given at least five (5) days prior to the date set in the citation for payment of the fine. Upon receipt of the notice of the intention to stand trial, the city shall forward to the district court having venue a copy of the notice from the person who received the citation indicating his or her intention to stand trial. Upon receipt of the citation, the district court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the district court for violations or infractions shall be remitted to the general fund of the city.

**Section 16-106. Failure to pay fine.**

If a person charged in a citation for an infraction fails to pay the fine by the date of payment set forth in the citation and fails to give the city written notice of intent to stand trial, the person is liable for the assessed fine. The municipality may double the fine to an amount not to exceed One Thousand Dollars (\$1,000) and request adjudication of the case through the District Court, including a request for the Court to order the person to abate the infraction or an order permitting the City to abate any such infraction at the person's expense. Adjudication of municipal infraction citations shall be conducted as set forth in Article 23A, section 3 of the Annotated Code of Maryland, as amended from time to time.

**Section 16-107. Conviction not a criminal offense.**

Conviction of a municipal infraction, whether by the district court or by payment of the fine to the city, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction. [Next page is 191]