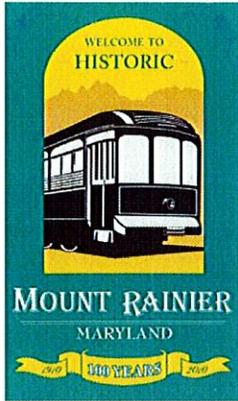


FIRST READING: June 21, 2022
SECOND READING/ADOPTION: June 21, 2022



CITY OF MOUNT RAINIER, MARYLAND
Emergency Ordinance N0. 06-2022

Introduced by Mayor & City Council

Amending the Code of Ordinances of the City of Mount Rainier, Chapter 9, “Parking Meters”, Section 9-108, “Collections”, to provide for the engagement of debt collection contractors to recover outstanding and unpaid fines for parking meter violations.

WHEREAS, pursuant to § 5-202 of the Local Government Article of the Annotated Code of Maryland, the Council of the City of Mount Rainier, Maryland (the “City Council”) has the authority to pass such ordinances as it deems necessary to assure the good government of the municipality, protect and preserve the municipality’s rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort, and convenience of the residents of the municipality; and

WHEREAS, pursuant to § 25-101 and 25-102 of the Transportation Article of the Annotated Code of Maryland, the Mayor and City Council of have the authority to regulate parking of vehicles on streets within the City’s jurisdiction; and

WHEREAS, pursuant to this authority, the City Council has adopted Chapter 9, “Parking Meters” and has installed parking meters along certain parts of certain City roads; and

WHEREAS, it has come to the attention of the Mayor and City Council that large sums have accrued in outstanding unpaid fines for violations of Chapter 9; and

WHEREAS, Chapter 9, Section 9-108, “Collections” presently provides for the engagement of third-party debt collection contractors to assist with the collection of unpaid fines from the owners of vehicles bearing out-of-state tags; and

WHEREAS, the Mayor and City Council desire to retain such services with respect to fines issued to the owners of vehicles bearing Maryland tags; and

WHEREAS, while the City Charter, in Section 306, generally prevents the adoption of an ordinance at a meeting held less than fourteen days after introduction, the Charter also provides that, in cases of emergency affecting the City’s financial health, that provision may be suspended by the affirmative votes of four members of the Mayor and Council; and

WHEREAS, the Mayor and Council, by the affirmative vote of at least 4 members, deem the impending summer recess to constitute an emergency affecting the City’s financial health,

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of Mount Rainier, Maryland that Chapter 9, “Parking Meters”, Section 9-108, “Collections”, of the Code of Ordinances shall be and hereby is amended to read as follows:

UNDERLINED TEXT IN SMALL CAPS : Indicates matter to be added to the City Code
[**Bold brackets**] : Indicate matter to be deleted from the City Code

Section 9-108. Collections.

A. It shall be the duty of the chief of police to designate some member or members of the police department, parking enforcement officers, and code enforcement officers, or other agent of the City of Mount Rainier to make regular collections of the money deposited in said meters and it shall be the duty of such persons so designated to remove from the parking meters the coins so deposited in said meters and deliver THOSE PROCEEDS to the city treasurer and/or city manager of the City of Mount Rainier, who will deposit such funds to the account of the general fund of the City of Mount Rainier. THE CHIEF OF POLICE, OR MEMBER OF THE POLICE DEPARTMENT DESIGNATED BY THE CHIEF, may request [of] THAT the Maryland Motor Vehicle Administration or its successor agency [to] withhold renewal of THE Maryland license [plates] PLATE OF A VEHICLE [that were issued] TO WHICH a parking citation WAS ISSUED that has not been TIMELY paid. [For vehicles issued citations that bear out of state license plates, the Chief of Police]

B. THE MAYOR AND CITY COUNCIL may contract with a collection agency [,] OR law firm or use other legal means to collect unpaid fines AND MAY CHARGE THE COSTS OF SUCH COLLECTION TO THE VIOLATOR.

Section 2. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of Mount Rainier, Maryland that Chapter 13, “Traffic”, of the Code of Ordinances shall be and hereby is amended to add Section 13-123, “Collection of fines for speeding and travelling through a red traffic signal”, read as follows:

SECTION 13-123. - FAILURE TO PAY FINE FOR RED LIGHT CAMERA OR SPEED CAMERA VIOLATION.

THE MAYOR AND CITY COUNCIL MAY CONTRACT WITH A COLLECTION AGENCY OR LAW FIRM OR USE OTHER LEGAL MEANS TO COLLECT UNPAID FINES ON A CITATION FOR A SPEEDING OFFENSE DETECTED BY THE CITY’S SPEED MONITORING SYSTEM CAMERAS OR FOR FAILING TO STOP FOR A RED TRAFFIC SIGNAL AS DETECTED BY THE CITY’S RED LIGHT CAMERA PROGRAM, IF SUCH FINE REMAINS UNPAID FOR MORE THAN SIXTY DAYS AFTER BECOMING DUE, AND MAY CHARGE THE COSTS OF SUGH COLLECTION TO THE VIOLATOR.

Section 3. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of Mount Rainier, Maryland that Chapter 16, “Violations of Ordinances – Misdemeanors and Municipal Infractions (Procedure)”, Section 16-106, “Failure to pay fine”, of the Code of Ordinances shall be and hereby is amended to read as follows:

Section 16-106. - Failure to pay fine.

A. 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

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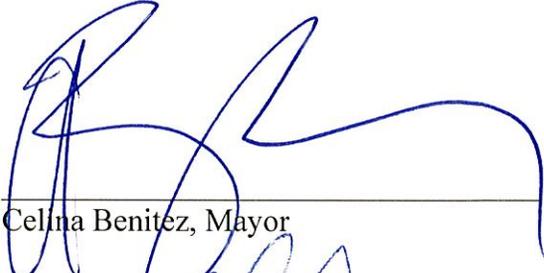
one thousand dollars (\$1,000.00) and request adjudication of the case through the District Court, including a request for the Court to order the person to abate the infraction or an order permitting the City to abate any such infraction at the person's expense. Adjudication of municipal infraction citations shall be conducted as set forth in [Article 23A, section 3] LOCAL GOV'T ARTICLE, TITLE 6 of the Annotated Code of Maryland, as amended from time to time.

B. THE MAYOR AND CITY COUNCIL MAY CONTRACT WITH A COLLECTION AGENCY OR LAW FIRM OR USE OTHER LEGAL MEANS TO COLLECT UNPAID FINES AND MAY CHARGE THE COSTS OF SUCH COLLECTION TO THE VIOLATOR.

Section 4. This Emergency Ordinance is adopted by the Mayor and Council of the City of Mount Rainier this 21 day of June, 2022 and shall take effect on the 21 day of June, 2022, provided that a fair summary has been read at the meeting at which it is introduced and adopted, that a copy shall be posted at City Hall for at least two weeks after it becomes effective, and that a fair summary is published at least once in a newspaper having general circulation in the City, inclusive of the City's newsletter mailed or otherwise delivered to every City household, and further provided that the Mayor and Council shall hold a public hearing on the emergency ordinance at a meeting held not less than fourteen (14) days nor more than forty-five (45) days after its *adoption*.

Attest:

MSam
Melissa Sam, City Clerk



Celina Benitez, Mayor

Luke Chesek, Councilmember Ward 1



Jarrett Stoltzfus, Councilmember Ward 2



James Tarlau, Councilmember Ward 1



Valerie Woodall, Councilmember Ward 2

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