

ORDINANCE 2001-03
THE MAYOR AND COUNCIL OF BOONSBORO

**AN ORDINANCE PROVIDING THAT THE VIOLATION
OF CERTAIN MUNICIPAL ORDINANCES SHALL BE A
MUNICIPAL INFRACTION**

WHEREAS, pursuant to MD annotated Code, Article 23A, Section 3 (b), the Town of Boonsboro is authorized to provide that violations of certain municipal ordinances shall be municipal infractions; and

WHEREAS, the Mayor and Council have determined to provide for municipal infractions as hereinafter set forth;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF BOONSBORO as follows:

MUNICIPAL INFRACTIONS

SECTION 1. Applicability. The provisions of this Article shall be applicable with respect to any ordinance of the Town of Boonsboro in which it is provided that a violation thereof is a municipal infraction.

SECTION 2. Nature of Offense. A municipal infraction is a civil offense. The provision for a municipal infraction in any ordinance shall not alter or remove the authority to punish such violation as a felony or misdemeanor.

SECTION 3. Notice of Violation. Any owner deemed in direct violation of an ordinance will receive a thirty (30) day written Notice of Violation to comply with said rules and regulations; if said owner does not comply with the Notice of Violation, a second Notice of Violation will be sent by Certified Mail giving five (5) additional days to comply; at which time applicable penalties will be imposed.

SECTION 4. Penalties. Unless otherwise provided in an ordinance in which a violation is declared a municipal infraction, the fine which may be imposed for each municipal infraction under any ordinance of the Town which provides that a violation thereof is a municipal infraction shall be \$200. The fine is payable to the municipality by the person charged in the citation within twenty (20) calendar days of service of a citation. Unless otherwise provided by ordinance, each day a violation continues or occurs shall constitute a separate violation.

SECTION 5. Enforcement Officer. The Town Administrator is authorized to act as the enforcement officer for all municipal infractions, and may serve a citation on any person whom the Town Administrator believes is committing or has committed a municipal infraction, or, on the basis of an affidavit submitted to the Town Administrator citing facts of the alleged infraction. The Mayor, with the approval of the Town Council, may authorize and appointment other enforcement officers, who shall have the same powers as set forth in this Section.

SECTION 6. Form of Citation. The citation shall contain:

- (a) the enforcement officers certification;
 - (1) attesting to the truth of the matter set forth in the citation; or
 - (2) that the citation is based on an affidavit.
- (b) the name and address of the person charged;
- (c) the nature of the infraction;
- (d) the location and time that the infraction occurred;
- (e) the amount of the infraction fine assessed;
- (f) the manner, location and time in which the fine may be paid to the town;
- (g) the person's right to elect to stand trial for the infraction; and
- (h) the effect of failing to pay the assessed fine or demand for trial within the prescribed time.

The enforcement officer shall retain a copy of the citation.

SECTION 7. Procedure Following Citation. The procedure following the issuance of a citation shall be as set forth in Article 23A, Section 3(b) of the Annotated Code of Maryland, as the same may be amended from time to time.

SECTION 8. Person to Include Business Entities. As used in this Article, the word "person" shall include a corporation, partnership, business trust, unincorporated association, limited liability company or other legal entity.

SECTION 9. Prosecution. The town attorney or any attorney designated by the Mayor and Council may prosecute a municipal infraction on behalf of the Town.

SECTION 10. Abatement of Infraction. If the District Court enters an order permitting the Town to abate the infraction at the expense of the person committing the municipal infraction, the Town shall present such person with a bill for the cost of abatement by regular mail to the person's last known address, or by any other means that are reasonably calculated to bring the bill to the person's attention. If the person does not pay the bill within thirty (30) days after presentment, the Town may file a motion in the District Court of Maryland for Washington County, for entry of judgement against the person for the cost of the abatement.

AND BE IT FURTHER ORDAINED, that this Ordinance shall become effective on the 25th day of November, 2001.

ATTEST:

MAYOR AND COUNCIL OF BOONSBORO

Barbara Rodenhiser, Clerk

Charles F. Kauffman, Jr., Mayor

Howard W. Long, Assistant Mayor

Kevin M. Chambers, Councilmember

Raymond D. Grove, Councilmember

Richard W. Gross, Councilmember

Richard E. Hawkins, Sr., Councilmember

Gene W. Smith, Councilmember

Date of Introduction: October 1, 2001

Date of Passage: November 5, 2001

Effective Date: November 25, 2001