

TOWN OF ROCK HALL, MARYLAND

ORDINANCE No. 2023-01

AN ORDINANCE concerning

Chapter 153 (Municipal Infractions) of the Code of the Town of Rock Hall, Maryland

FOR the purpose of amending Chapter 153 (Municipal Infractions) of the Code of the Town of Rock Hall to amend the schedule of fines for, and classes of, municipal infractions and to amend outdated language; providing that the title of this Ordinance shall be deemed a fair summary, and generally relating to municipal infractions in the Town of Rock Hall.

RECITALS

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 6-102, unless State law classifies a violation as a criminal offense, the Council of the Town of Rock Hall (the "Council") is authorized and empowered to provide by law that a violation of the Code of the Town of Rock Hall (the "Town Code") is a municipal infraction and subject to a fine not exceeding \$1,000.00 for each municipal infraction; and

WHEREAS, pursuant to § 1306 of the Charter of the Town of Rock Hall (the "Charter"), certain ordinances are considered municipal infractions as defined in Md. Code Ann., Art. 23A, § 3(b)(1), which is now codified as Local Gov't § 6-102, and shall be punishable as set forth therein; and

WHEREAS, pursuant to the foregoing statutory authority, the Council enacted Chapter 153 (Municipal Infractions) of the Town Code, which sets forth the manner in which municipal infractions within the Town are prosecuted and the fines therefor; and

WHEREAS, the Council, for the good and welfare of the community, deems it necessary and appropriate to amend Chapter 153 (Municipal Infractions) of the Code of the Town of Rock Hall for the purposes of amending the schedule of fines for, and classes of, municipal infractions set forth therein and amending outdated language.

NOW, THEREFORE BE IT HEREBY ORDAINED AND ENACTED by the Council of the Town of Rock Hall that:

SECTION 1. Chapter 153 (Municipal Infractions) of the Code of the Town of Rock Hall is amended as follows:

§ 153-2. Definitions.

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings indicated:

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LOCAL GOVERNMENT ARTICLE – The Local Government Article of the Annotated Code of Maryland.

* * *

§ 153-5. Trial and violation procedures.

- A. Procedure for election of trial. A person receiving a citation for a municipal infraction may elect to stand trial for the offense by notifying the Town of his intent to stand trial. The notice shall be given at least five days prior to the date of payment, as set forth in the citation. Upon receipt of notice of the intention to stand trial, the Town shall forward to the District Court having venue a copy of the notice from the person who received the citation indicating his 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, in accordance with ~~[the Annotated Code of Maryland, Article 23A, § 3]~~ **§ 6-105 of the Local Government Article**, as amended. All fines, penalties, or forfeitures collected by the District Court in connection with municipal infractions shall be remitted to the Town.
- B. Penalties. If any person shall be found by the District Court to have committed a municipal infraction[~~;~~
- ~~(1) The person shall be required to pay the fine determined by the District Court;~~
- ~~(2) The person shall be liable for the costs of the proceedings in the District Court; and~~
- ~~(3) The District Court may permit the Town to abate any such condition at the person's expense],~~ **the person shall be subject to the penalties set forth in § 6-110 of the Local Government Article.**
- C. The State's Attorney for Kent County or the Town Attorney shall prosecute any municipal infractions. **Notwithstanding the foregoing, any Town enforcement officer that is a qualified building inspector or enforcement officer pursuant to § 6-108.1 of the Local Government Article shall be authorized to testify in a Town municipal infraction proceeding without the assistance of a prosecuting attorney.**

§ 153-6. Fines.

- A. Unless otherwise specifically enumerated **in Subsection (E) below**, any person who commits a municipal infraction shall be subject to a fine not to exceed \$500.
- B. A fine not to exceed \$500 may be imposed for each conviction of a municipal infraction.
- C. The fine is payable by the recipient of the citation to the Town within 20 calendar days of service of the citation.
- D. Unless otherwise provided, each twenty-four-hour period in which a violation(s) exists shall constitute a separate violation.

E. The following schedule of fines shall be set for each municipal infraction[~~depending upon the class~~] specified below:[

	Initial Violation	Repeated Violation
Class A	\$500	\$1,000
Class B	\$250	\$500
Class C	\$200	\$400
Class D	\$150	\$300
Class E	\$100	\$200
Class F	\$50	\$100
Class G	\$35	\$20
Class H	\$10	\$20

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(1) Class A Infractions. The following violations shall be deemed a Class A Municipal Infraction and subject to a fine of \$500 for an initial offense and \$1,000 for a repeat offense:

(i) Chapter 157 (Nuisances and Public Hazards), §§ 157-2(G) (Unfit structure) and 157-2(J) (Hazardous substances); and

(ii) Chapter 81 (Building Construction), § 81-4 (Permit required; restrictions on use).

(2) Class B Infractions. The following violations shall be deemed a Class B Municipal Infraction and subject to a fine of \$250 for an initial offense and \$500 for a repeat offense:

(i) Chapter 157 (Nuisances and Public Hazards), §§ 157-2(C) (Discharge from moving vehicle holding tank), 157-2(F) (Use as landfill), and 157-2(Q) (Obstruction of vision of vehicle operators); and

(ii) Chapter 225 (Zoning), Article VII (General Sign Regulations).

(3) Class C Infractions. The following violations shall be deemed a Class C Municipal Infraction and subject to a fine of \$100 for an initial offense and \$200 for a repeat offense:

(i) Chapter 157 (Nuisances and Public Hazards), §§ 157-2(B) (Deposit or accumulation in or upon any land, sidewalk, street, highway, or alleys), 157-2(D) (Disposal), 157-2(E) (Conveying through alley, street, or highway); 157-2(K) (Vehicles not legally tagged or registered), 157-2(M) (Flow of liquid substances), and 157-2(R) (Obstruction on sidewalks, alleys, and streets);

(ii) Chapter 155 (Noise);

(iii) Chapter 208 (Trailers), § 208-1 (Placement on lots or grounds prohibited; exception);

(iv) Chapter 133 (Housing Standards and Property Maintenance);

(v) Chapter 147 (Littering), § 147-1 (Conveying materials; removal of spillage; covering conveyed material);

(vi) Chapter 212 (Vehicles, Abandoned);

(vii) Chapter 125 (Garbage, Rubbish, and Waste);

(viii) Chapter 159 (Peace and Good Order); and

(ix) Chapter 163 (Peddling and Solicitation)

(4) Class D Infractions. The following violations shall be deemed a Class D Municipal Infraction and subject to a fine of \$50 for an initial offense and \$100 for a repeat offense:

(i) Chapter 157 (Nuisances and Public Hazards), §§ 157-2(H) (Rodent control), 157-2(L) (Height of vegetation), 157-2(N) (Burning on streets and sidewalks), 157-2(O) (Abandoned refrigerators), and 157-2(P) (Grass, leaves, and yard waste).

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§ 153-8. Applicability of statutory provisions.

Notwithstanding any provision herein to the contrary, the ~~[The]~~ proceedings for municipal infractions shall be subject to the requirements of ~~[the Annotated Code of Maryland, Article 23A, § 3]~~ **§ 6-101, et seq. of the Local Government Article**, as amended.

SECTION 2. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. In this Ordinance, unless a section of the code is expressly repealed in its entirety and reenacted, new or added language is underlined and in bold face type, and deleted text is crossed out and enclosed in brackets. Substantive language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

This Ordinance was introduced at a public meeting of the Council of the Town of Rock Hall, held on the 9th day of March, 2023 and having been reviewed and considered for final action after a public hearing on the 13th day of April, 2023, was duly passed and enacted on the 13th day of April, 2023.

COUNCIL OF THE TOWN OF ROCK HALL


Dawn Jacobs, Mayor (VOTE) 


Carolyn Jones, Vice Mayor (VOTE) 


Timothy Edwards, Councilmember (VOTE)


Eleanor Collyer, Councilmember (VOTE) 


James Cook, Councilmember (VOTE) 

Approved as to form:

Patrick W. Thomas, Town Attorney

SECTION 6. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

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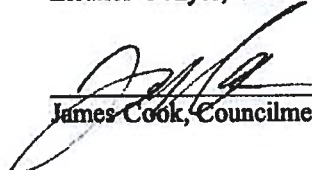
COUNCIL OF THE TOWN OF ROCK HALL


Dawn Jacobs, Mayor yes
(VOTE)



Carolyn Jones, Vice Mayor yes
(VOTE)


Timothy Edwards, Councilmember (VOTE)


Eleanor Collyer, Councilmember ✓
(VOTE)


James Cook, Councilmember ✓
(VOTE)

Approved as to form:


Patrick W. Thomas, Town Attorney