

SHARPTOWN MUNICIPAL INFRACTION ORDINANCE #39

AN ORDINANCE Repeal and Reenact Ordinance #39 to create a type of civil offense to be known as a “municipal infraction” and to provide penalties for such offense and a mechanism for the determination of the existence of a violation and the appropriate penalty therefore and designating the officials of the Town of Sharptown, Maryland, who shall have the power to impose such infractions and providing procedures for persons cited as guilty of municipal infractions to stand trial.

WHEREAS, it has been determined by the Town of Sharptown, Maryland, that any violation of current Ordinances and any new Ordinances should be handled as municipal infractions rather than solely as violation of criminal law unless actions other than municipal infractions are deemed to be in the best interest of the Town of Sharptown.

WHEREAS, the Town of Sharptown, Maryland, is authorized to create a class of civil offenses known as Municipal Infractions and to provide penalties therefore.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Commissioners of Sharptown, Maryland, that a class civil offenses known as Municipal Infractions is hereby created. Future Ordinances passed may be amended to provide that violations which shall become Municipal Infractions. Ordinances hereafter passed can be violations and will be municipal infractions. The penalties and procedures for violations shall be as provided in this Ordinance which shall be known as the MUNICIPAL INFRACTION ORDINANCE.

SECTION: 1 - APPLICABILITY

Any Ordinance of the Town of Sharptown, Maryland, which provided penalties for its violation may be passed or amended to provide that such penalties shall be Municipal Infractions.

SECTION: 2 - COMMISSIONERS OF THE TOWN OF SHARPTOWN

Who shall designate a Code Enforcement Officer for the Town of Sharptown, Maryland and said Code Enforcement Officer shall have the authority to determine the existence of a municipal infraction and to issue citations and assess fines.

A. Procedure: The Code Enforcement Officer shall record and deliver to the town clerk a “Municipal Infraction” form for each municipal infraction assessed. The form shall provide:

1. The name and address of the person(s) charged
2. The nature of the infraction which shall include a reference to the Ordinance and Section thereof which is alleged to have been violated.
3. The location and the time that the infraction was observed.
4. The amount of the infraction fine assessed.
5. The manner, location and time in which the fine may be paid to the municipality.
6. The person(s) right to elect to stand trial in the District Court.

SHARPTOWN MUNICIPAL INFRACTION ORDINANCE #39

7. That the person(s) shall be liable for the original fine, if they fail to pay the assessed fine within ten (10) days of the date of the notice or fails in lieu thereof to file notice of his intention to stand trial.

The defendant's copy of the said form shall be sent to the person designated at his address as shown on the form by certified mail. Copies shall be retained by both the Clerk and the issuing Code Enforcement Officer. The Code Enforcement Officer shall sign the form.

- a) The town's clerk shall receive and deposit all fines paid and shall advise the issuing Code Enforcement Officer of such payment. The Clerk shall also advise the issuing Code Enforcement Officer of non-payment of fines at the end of the time specified in the notice or the defendant's election to stand trial.
 - b) The issuing Code Enforcement Officer shall be responsible thereafter for the assessment of subsequent fines or handling of all procedures in the District Court on behalf of the Town of Sharptown, Maryland. All fines received by the Code Enforcement Officer shall be delivered to the Town Clerk.
- B. Amount of Fine or Penalty:** The issuing Code Enforcement Officer will determine the amount of fine for the imposed municipal infraction as identified in the Sharptown schedule of fines. This schedule of fines will be adopted by Resolution by the Sharptown Commissioners from time to time as deemed necessary.
- C. Procedure in the event the person defendant cited elects to Stand Trial:** In the event the person defendant cited gives notice to the Town of his intent to stand trial, the issuing Code Enforcement Officer shall immediately file with the District Court a copy of the notice and of the original citation and shall have a summons issued to the person named in the citation at his last known address.
- D. Failure to pay the Fine Assessed or to elect a trial.**
In the event the defendant receiving a citation for a municipal infraction fails to pay the fine assessed by the date of payment noted on the citation and/or fails to file a notice of the defendant's intention to stand trial in the District Court. The Code Enforcement Officer shall request adjudication of the citation from the District Court of Maryland for Wicomico County.
- E. Town Participation at Trial:** The issuing Code Enforcement Officer together with such other town employees or other witnesses shall be required to appear at any municipal infraction hearing scheduled for violation of this Ordinance. The issuing Code Enforcement Officer may summons ~~for~~ necessary witnesses.
- F. Persons liable for Violations of Municipal Infractions:** The owner(s) of any building structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains any condition which constitutes a violation of the Ordinance under which a Municipal Infraction is charged may each be found guilty of a Municipal Infraction under this Ordinance.

**SHARPTOWN MUNICIPAL INFRACTION
ORDINANCE #39**

- G. Other Remedies:** Nothing herein contained shall prevent the Town of Sharptown from taking such other lawful action as is necessary to prevent or remedy any violation of the Ordinance under which the Municipal Infraction was charged and such action shall not relieve the person(s) cited for a Municipal Infraction for liability of the fine or fines assessed.

- H. Conviction Not Criminal:** Conviction of a Municipal Infraction whether by determination of the District Court or by payment to the Town of Sharptown, Maryland, is not a criminal conviction for any purpose.

SECTION 3

AND BE IT FURTHER RESOLVED, ENACTED AND ORDAINED BY THE TOWN OF SHARPTOWN, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage.

The above Ordinance was introduced and read to the Commissioners of Sharptown, Maryland, at a meeting held on the ___ day of _____, 2009, and finally passed at a meeting held on ___ day of _____, 2009, having been published as required by law in the meantime.

ATTEST:

Town Clerk

P. Douglas Gosnell, President

Timothy B. Shaver, Commissioner

Jean C. Cordrey, Commissioner

Edward A. Baker, Commissioner

Michael M. Thompson, Commissioner