

1 **..Title**

2 **Amending the City's Maximum Penalty**– For the purpose of amending the Maximum
3 Penalty applicable to misdemeanors, infractions and violations to that proscribed by State
4 Law.

5 **..Body**

6 **CITY COUNCIL OF THE**
7 **City of Annapolis**

8
9 **Charter Amendment 2-16**

10
11 **Introduced by: Alderman Budge**

12
13 **Referred to**

14 **Rules and City Government Committee**

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16
17 **A CHARTER AMENDMENT** concerning

18
19 **Amending the City's Maximum Penalty**

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21 **FOR** the purpose of amending the Maximum Penalty applicable to misdemeanors,
22 infractions and violations to that proscribed by State Law.

23
24 **BY** amending the following portions of the Annapolis City Charter, 2015 Edition

25
26 Article IX, Section 3

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28 **WHEREAS**, §6-101 of the Local Government Article of the Annotated Code of
29 Maryland states: "A penalty for a violation of an ordinance or resolution
30 that is declared to be a misdemeanor under this section may not exceed
31 imprisonment for 6 months or a fine of \$1,000 or both"; and

32
33 **WHEREAS**, §6-102 of the Local Government Article of the Annotated Code of
34 Maryland states: "A fine not exceeding \$1,000 may be imposed for each
35 municipal infraction"; and

36
37 **WHEREAS**, §11-202 of the Land Use Article of the Annotated Code of Maryland
38 states: "The legislative body may: (1) impose a fine not exceeding \$500
39 for each violation"; and

40
41 **WHEREAS**, §16-507(c)(2) of Article 2B (Alcoholic Beverages) of the Annotated Code
42 of Maryland states: "In the City of Annapolis, the Board of License
43 Commissioners may impose a fine of not more than \$2,000 in lieu of
44 suspension of a license for any violation that is cause for suspension under
45 the alcoholic beverage laws of the city."
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1 **SECTION I: BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL**
2 that the Charter of the City of Annapolis shall be amended to read as follows:

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4 **ARTICLE IX – Miscellaneous Provisions**

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6 **Sec. 3 – Maximum Penalty**

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8 ~~No ordinance shall impose a fine of more than one thousand dollars (\$1,000.00) or more~~
9 ~~than six (6) months in jail, or both, in the discretion of the city council.~~

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11 IN THE DISCRETION OF THE CITY COUNCIL, AN ORDINANCE MAY IMPOSE
12 FINES, INCARCERATION, OR OTHER PENALTIES OR REMEDIES AS
13 PERMITTED BY MARYLAND LAW.

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16 **SECTION II: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS**
17 **CITY COUNCIL** that the date of adoption of this Resolution is _____, 2016, and the
18 amendments of the Charter of the City of Annapolis, hereby enacted shall become
19 effective on _____, 2016, unless a proper petition for referendum hereon shall be filed as
20 permitted by law within 40 days of adoption, provided a complete and exact copy of this
21 Resolution shall be continuously posted on the bulletin board in the City Hall until
22 _____, 2016, and provided further that a copy of the title of this Resolution shall be
23 published in "The Capital," a newspaper of general circulation in the City of Annapolis,
24 or in any other newspaper of such general circulation, once in each of the weeks on,
25 _____, 2016, _____, 2016, _____, 2016, and _____, 2016.

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28 **SECTION III: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS**
29 **CITY COUNCIL** that the Mayor is hereby specifically commanded to carry out the
30 provisions of Section II hereof, and, as evidence of such compliance, the Mayor shall
31 cause to be maintained appropriate certificates of publication of the newspaper or
32 newspapers in which the title of the Resolution shall have been published and if a
33 favorable referendum is held on the Charter change, shall declare the Charter change
34 hereby enacted to be effective on _____, 2016, by affixing his signature hereto in the
35 space provided on the effective date of change.

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38 **SECTION IV: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS**
39 **CITY COUNCIL** that as soon as the Charter Amendment hereby enacted shall become
40 effective, either as provided herein or following a referendum, the Mayor shall send to
41 the Maryland Department of Legislative Services a copy of this Resolution showing the
42 number of Aldermen and Alderwomen voting for and against it and a report on the votes
43 cast for or against the amendment hereby enacted at any referendum thereon and the date
44 of such referendum.

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