



Legislation Text

File #: CA-2-16, Version: 1

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

**CITY COUNCIL OF THE
City of Annapolis**

Charter Amendment 2-16 Amended

Introduced by: Alderman Budge

**Referred to
Rules and City Government Committee**

A CHARTER AMENDMENT concerning

Amending the City's Maximum Penalty

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

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

Article IX, Section 3

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

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

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

WHEREAS, §16-507(c)(2) of Article 2B (Alcoholic Beverages) of the Annotated Code of Maryland states: "In the City of Annapolis, the Board of License Commissioners may impose a fine of not more than \$2,000 in lieu of suspension of a license for any violation that is cause for suspension under the alcoholic beverage laws of the city."

SECTION I: BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the Charter of the

City of Annapolis shall be amended to read as follows:

ARTICLE IX - Miscellaneous Provisions

Sec. 3 - Maximum Penalty

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

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

SECTION II: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the date of adoption of this Resolution is July 11, 2016, and the amendments of the Charter of the City of Annapolis, hereby enacted shall become effective on August 30, 2016, unless a proper petition for referendum hereon shall be filed as permitted by law within 40 days of adoption, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board in the City Hall until August 20, 2016, and provided further that a copy of the title of this Resolution shall be published in "The Capital," a newspaper of general circulation in the City of Annapolis, or in any other newspaper of such general circulation, once in each of the weeks on, July 25, 2016, August 1, 2016, August 8, 2016, and August 15, 2016.

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

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

The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Meeting of the Annapolis City Council on July 11, 2016; 9 voting in the affirmative, 0 voting in the negative, 0 abstaining and 0 absent and the said Resolution becomes effective in accordance with law on the 30th day of August, 2016.

EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.