



Legislation Details (With Text)

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Type: Ordinance **Status:** Adopted

File created: 3/19/2020 **In control:** City Council

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Title: Municipal Infractions - Process - For the purpose of clarifying that municipal infraction enforcement actions are processed through the Office of Law; and making stylistic changes.

Sponsors: Elly Tierney

Indexes: Rules and City Government Committee

Code sections:

Attachments: 1. O-12-20 Municipal Infractions - Process First Reader.pdf, 2. O-12-20 Staff Report.pdf, 3. O-12-20 Fiscal Impact Note.pdf, 4. O-12-20 SIGNED.pdf

Date	Ver.	Action By	Action	Result
5/26/2020	1	City Council	adopt on second reader	Pass
5/26/2020	1	City Council	adopt on third reader	Pass
5/12/2020	1	Rules & City Government Committee		
5/11/2020	1	City Council	declare the public hearing closed	
4/27/2020	1	City Council	refer	
4/27/2020	1	City Council	adopt on first reader	Pass

Municipal Infractions - Process - For the purpose of clarifying that municipal infraction enforcement actions are processed through the Office of Law; and making stylistic changes.

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 12-20

Introduced by: Alderwoman Tierney

Co-sponsored by:

**Referred to:
Rules and City Government Committee
90 day Rule: 7/27/20**

AN ORDINANCE concerning

Municipal Infractions - Process

FOR the purpose of clarifying that municipal infraction enforcement actions are processed through the Office of Law; and making stylistic changes.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2020 Edition
1.20.050
1.20.070

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

Title 1 - GENERAL PROVISIONS

Chapter 1.20 - GENERAL PENALTY AND MUNICIPAL INFRACTIONS

Section 1.20.050 - Municipal infraction-Fine-Proceedings.

- A. Payment of Fine. The fine for a municipal infraction shall be as specified in the law violated. The fine is payable by the recipient of the citation to the City at the Finance Department, Municipal Building, Annapolis, Maryland 21401, within ~~twenty~~20 calendar days of receipt of the citation.
- B. No Formal Hearing. The City shall not conduct a formal hearing for any person in receipt of a citation of municipal infraction but may provide the violator, either personally or through an attorney, with additional information concerning the municipal infraction. Any offender so cited may pay the fine as indicated in the citation or elect to stand trial for the offense.
- C. Election to Stand Trial. A person receiving a citation for a municipal infraction may elect to stand trial for the offense by notifying the City in writing of an intention 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 the notice of the intention to stand trial, the City shall forward to the district court in Annapolis a copy of the notice of 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. All fines, penalties or forfeitures collected by the district court for violations of municipal infractions shall be remitted to the general fund of the City.
- D. Failure to Pay Fine. If a person receiving a citation for a municipal infraction fails to pay the fine for the municipal infraction by the date of payment set forth on the citation and fails to file a notice of intention to stand trial for the offense, a formal notice of the municipal infraction shall be sent to the offender's last known address. If the citation has not been satisfied within ~~fifteen~~15 days from the date of the notice, the offender is liable for an additional fine twice the amount of the original fine. If after ~~thirty-five~~35 days the citation has not been satisfied, the City, THROUGH ITS OFFICE OF LAW, may request adjudication of the case through the district court. The district court promptly shall schedule the case for trial and summon the defendant to appear.
- E. Conviction Not Criminal Offense. Conviction of a municipal infraction, whether by the district court or by payment of the fine to the City, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.
- F. Court Proceedings and Rights of Accused. In any proceeding for a municipal infraction, the accused shall have the same rights as for trial of criminal cases. The accused shall have the right to cross-examine witnesses against the accused, to testify or introduce evidence in the accused's own behalf, and to be represented by an attorney of the accused's own selection and at the accused's own expense.

Section 1.20.070 - Enforcement actions.

In addition to the other provisions set out in this chapter, the City, THROUGH ITS OFFICE OF LAW, may institute injunctive, mandamus or any other appropriate action or proceedings at law or equity for the enforcement of this code or to correct violations of this code, and any court of competent jurisdiction has the

right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate forms of remedy or relief.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect from the date of its passage.

Explanation:

UPPERCASE indicates matter added to existing law.

~~Strike through~~ indicates matter stricken from existing law.

Underlining indicates amendments.