

Chapter 5 MUNICIPAL INFRACTIONS*

*Cross reference(s)--General penalty; continuing violations; municipal infractions excluded, § 1-7; penalties, fees and fines, Ch. 6.

§ 5-1. Definitions.

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Sec. 5-1. Definitions.

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) *Municipal infraction*: Any violation of this code, which has been specifically designated as a municipal infraction. For the purposes of this code a "municipal infraction" is a civil offense and any finding of guilt thereof is not a criminal conviction.
- (b) *Authorized code enforcement official*: The Village Manager or other official or employee of the Village who shall have code enforcement responsibilities under this code.

Cross reference(s)--Definitions generally, § 1-2; rules of construction generally, § 1-3.

Sec. 5-2. Declaration as municipal infractions; fines.

The Board of Managers, by ordinance, shall determine which violations of this code shall constitute municipal infractions, and shall establish fines for each such violation.

(No. 6-01-00, 6-12-00)

Sec. 5-3. Issuance of citation.

(a) Authorized code enforcement officials may deliver a citation to any person who has committed a municipal infraction. A copy of the citation shall be retained by the village and bear the certification of the issuing official attesting to the truth of the matter set forth in the citation.

(b) The citation shall contain the following information:

- (1) Name and address of the person charged.

- (2) The nature of the infraction.
- (3) The location and time that the infraction occurred.
- (4) The amount of the fine assessed for the municipal infraction.
- (5) The manner, location and time in which the fine may be paid to the village.
- (6) The right of the recipient of the citation to elect to stand trial for the infraction.

Cross reference(s)--Citation in lieu of arrest, § 1-8.

Sec. 5-4. Payment of fine.

Payment of the fine imposed for a municipal infraction as set forth in the citation issued shall be made at the Village Hall within twenty (20) calendar days from receipt of the citation, unless a timely election to stand trial is made pursuant to the provisions of section 5-5 of this Chapter.

Sec. 5-5. Election to stand trial.

A person receiving the citation for a municipal infraction may elect to stand trial for the offense by notifying the Village of such person's intention to stand trial for the municipal infraction. The notice shall be given in writing at least five (5) days prior to the due date of payment as set forth in the citation. Upon receipt of a timely notice of intention to stand trial, the Village shall forward to the District Court of Maryland for Montgomery County a copy of the notice from the person who received the citation indicating the intention to stand trial. Upon receipt of this citation, the District Court shall schedule the case for trial and notify the defendant and the code enforcement official who issued the citation of the trial date.

Sec. 5-6. Failure to pay fine or elect to stand trial.

(a) If a person receiving a citation for a municipal infraction fails to pay the fine imposed for the infraction by the date for payment set forth on the citation and fails to file a timely 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 notice, the offender shall be liable for an additional fine equal in amount to the original fine.

(b) If after thirty-five (35) days from its issuance the citation has not been satisfied, the village may request adjudication of the case through the District Court. The District Court will schedule the case for trial and summons the person receiving a citation to appear. The defendant's failure to respond to the summons may constitute contempt of court.

Sec. 5-7. Court proceedings.

(a) Court proceedings for a municipal infraction shall be governed by the provisions of Article 23A., section 3 of the Annotated Code of Maryland, as amended, relating to municipal infractions; such provisions being hereby incorporated by reference as if set forth herein. In any case where a provision of this Chapter conflicts with a mandatory provision of Article 23A., section 3 of the Annotated Code of Maryland, as amended, the provisions of such article shall prevail and shall be incorporated herein as if expressly set forth.

(b) In any proceeding for a municipal infraction, the defendant shall have the same rights in district court as are applicable to the trial of criminal cases.

(c) Any person found by the district court to have committed a municipal infraction shall be required to pay the fine imposed by the citation, including any additional fine imposed pursuant to section 5-6(a) of this chapter as well as court costs permitted by law.

(d) Whenever any person has been found guilty of a municipal infraction and willfully fails to pay the fine imposed by the court or court costs, such willful failure may be treated as a criminal contempt of court, for which the defendant may be punished by the court as provided by law in such cases.

(e) All fines, penalties, or forfeitures collected by the District Court for municipal infractions shall be remitted directly to the village.

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