

**ORDINANCE O-1-18
TOWN OF CHEVERLY
CREATING SECTION 28 – NON-INTERVENTION**

An Ordinance whereby the Town Council establishes that the Town of Cheverly does not intervene in federal immigration matters.

WHEREAS, regarding the subject of citizenship and immigration status, the Mayor and Council ground their approach from the ethic that no person is illegal, and affirm the inherent dignity and respect for persons, regardless of citizenship or immigration status.

WHEREAS, Cheverly residents, families attending our neighborhood schools, and those worshipping and doing business in our community, reflect a diversity of ethnic origins, faith traditions, and immigration status; and

WHEREAS, the Town of Cheverly firmly holds that one's actualized or perceived ethnicity, faith, and immigration status should never used to threaten, compel, coerce, or engender fear.

WHEREAS, it is the sense of the Mayor and Council that the Cheverly community is strengthened by the Town providing benefits, services, and opportunities to individuals regardless of their citizenship or immigration status to the extent permitted by law; and

WHEREAS, it is also the sense of the Town that public safety is enhanced when all members of the community are unafraid to engage Town officials and feel supported in cooperating with Town law enforcement officers in the investigation of crimes to which such members of the community are victims or witnesses; and that successful community policing is founded upon mutual trust and the free flow of communication; and

WHEREAS, the Town of Cheverly supports freedom to participate in citizen crime reduction programs, and to register concerns and complaints regarding the Town and its Departments without regard to citizenship or immigration status and without fear of retaliation.

WHEREAS, the government of the United States of America has put in place a robust statutory and regulatory scheme regarding immigration; and

WHEREAS, The Town of Cheverly recognizes that the government of the United States of America has the exclusive authority to enact laws with respect to how foreign-born persons are granted entrance into the United States and determining who among them may stay; and

WHEREAS, it is the sense of the Mayor and Council that it is not a proper utilization of the Town of Cheverly's resources to enforce federal immigration laws; and

WHEREAS, Town of Cheverly law enforcement officers are not trained in immigration enforcement; and

WHEREAS, Maryland Annotated Code, Local Government Article, Section 5-202 grants to municipal corporations of the State of Maryland, including the Town of Cheverly, the power to preserve peace and good order and protect the health, comfort, and convenience of their residents and to enact laws regarding same; and

WHEREAS, the Town of Cheverly has the authority to enact laws which are not preempted by or in conflict with federal law or State law provided such authority has been granted to it by the state.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Cheverly in regular session assembled that Chapter 28 of the Town of Cheverly Code is enacted as follows:

Sec. 28-1. Non-intervention with Respect to Citizenship and Immigration.

- A. No official or employee may inquire into an individual's citizenship or immigration status.
- B. If an official or employee learns of an individual's citizenship or immigration status, the official or employee may not act based solely on the individual's citizenship or immigration status.
- C. No official or employee may utilize or allow to be utilized Town resources to support federal civil immigration enforcement operations or activities.

Sec. 28-2. Immigration Enforcement is a Federal Responsibility.

- A. No official or employee may detain or arrest an individual based solely on known or suspected violations of federal civil immigration law.
- B. No official or employee may utilize any individual's citizenship or immigration status as an interrogation tool or tactic. No official or employee may communicate to a suspect, detainee, or arrestee that any individual's ability to remain within the United States of America may be in jeopardy. Nothing herein shall be construed as barring an official or employee from providing information regarding an individual's citizenship or immigration status to that same individual.
- C. No official or employee may enter into an agreement under 8 U.S.C. § 1357(g) or any other federal law that permits state or local governmental entities to enforce federal immigration laws.
- D. No provision in this Chapter shall be construed as prohibiting the Town of Cheverly Police Department from:
 - 1. Investigating, detaining, or arresting violators of the criminal law; or
 - 2. Assisting any law enforcement agency with investigations or arrests relating to criminal activity and suspected criminal activity other than violations of the civil immigration and nationality laws of the United States of America; or
 - 3. Complying with the provisions of 8 U.S.C. § 1373.

Sec. 28-3. Town Benefits.

- A. No official or employee shall condition the provision of Town benefits, opportunities, or services on a person's citizenship or immigration status unless required to do so by federal law, state law, this Code, or court order.

B. No official or employee shall condition the provision of Town benefits, opportunities, or services based solely on the ability of the applicant to provide a driver's license or identification card issued by the State of Maryland unless required to do so by federal law, state law, this Code, or court order.

C. Unless otherwise required by law, the Town shall accept identifications issued by social service organizations as sufficient proof of identification for the purposes of providing Town benefits, opportunities, or services.

D. The Town of Cheverly shall not retain information related to an individual's citizenship or immigration status. The Town Administrator shall promptly conduct a review of all applications, questionnaires, and interview forms utilized for the provision of Town benefits, opportunities, or services. Any information sought regarding citizenship or immigration status, other than those required by federal law, state law, this Code, or court order, shall be removed.

E. No provision in this Chapter shall be construed as preventing any official or employee from complying with 8 U.S.C. § 1644.

Sec. 28-4. Discrimination and Unconstitutional Registries Prohibited.

A. No official or employee shall discriminate against any person on the basis of citizenship, nationality, or immigration status.

B. No official or employee shall participate in any federal registration program that requires registration of individuals on the basis of age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity, physical characteristic, citizenship, nationality, or immigration status. If any official or employee becomes aware of any requirement that the Town participate in any such program, the official or employee shall notify the Town Administrator immediately. The Town Administrator shall inform the Mayor and Council of the requirement and direct that the Town Attorney review the requirement and advise the Mayor and Council as to the legality of the requirement.

Sec. 28-5. Reporting Requirements.

The Town Administrator shall report to the Mayor and Council the number of requests received by the Town from the federal government regarding any matter covered by this ordinance. The report shall be made every six months and include the nature of the request or requests and the nature of any response. The Town Administrator shall respond to a request by the Mayor or a Councilmember regarding a specific incident covered by this ordinance within two business days of the request.

Sec. 28-6. Preemption or Conflicts.

A. No provision of this Chapter shall apply whenever the provision conflicts with federal law, state law, this Code, or court order.

B. This Chapter does not prohibit disclosure of information regarding citizenship or immigration status if the disclosure is:

- 1. Required or authorized by federal law, state law, this Code, or court order; or**
- 2. Authorized in writing by the subject of the information.**

C. Nothing herein shall be construed as applying to the Town of Cheverly's requirements for eligibility for employment and/or employee benefits.

Sec. 28-7. Construction.

The provisions of this Chapter shall be construed so as to be effective to the extent that they do not conflict with federal law, state law, this Code, or any Court order.

AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable;

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect 20 days from the date of its adoption;

AND BE IT FURTHER ORDAINED that a fair summary of this ordinance shall forthwith be published twice in a newspaper having general circulation in the Town and otherwise be made available to the public.

INTRODUCED by the Town Council of the Town of Cheverly, Maryland, at a regular public meeting on November 9, 2017.

ADOPTED by the Town Council of the Town of Cheverly, Maryland, at a regular public meeting on January 11, 2018.