

ORDINANCE O-6-11
Code of the Town of Cheverly

An Ordinance whereby the Mayor and Council amend their traffic ordinance to create a flagging fee and an administrative handling fee.

WHEREAS, Article VII, Section C-23A (28) of the Charter of the Town of Cheverly grants to the Mayor and Town Council the power to regulate fines and penalties for breach of town ordinances; and

WHEREAS, the Mayor and Town Council deem it appropriate to amend the Town Code regarding fines and penalties to codify in accordance with state requirements the assessing of flagging fees and administrative handling fees; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council, in regular session assembled, that Section 27-14 of the Cheverly Code be amended as follows:

Sec. 27-14.~ Violations and penalties.

(a)~~~Unless otherwise provided herein, any person or persons who shall fail to comply with any of the provisions of this chapter, or who shall violate or fail to comply with any order or regulation made under this chapter as to parking, shall receive an appropriate town parking citation, **CIVIL CITATION FOR PHOTO ENFORCEMENT** or a state traffic citation and be fined not less than ten dollars (\$10.00) nor more than TWO hundred dollars (\$200.00) for each offense, plus any costs or fees as authorized by law.

(b)~~~Election. Unless a separate procedure is provided for in this chapter, the following procedures apply to violations of this chapter:

(1)~~~Election by person receiving citation.

a.~~~Within (30) thirty days after the date of the citation, the person receiving a citation under this chapter shall:

1.~~~Pay the amount indicated on the violation directly to the police department; or

2.~~~Elect to stand trial for the violation.

b.~~~An election to stand trial shall be made by sending a notice of intention to stand trial to the town police department within thirty (30) days after the date on the citation.

c.~~~Upon the failure of the person cited to elect within thirty (30) days, a late fee of twenty-five dollars (\$25.00) will be assessed..

(2)~~~When the presence of an officer required. If a person elects to stand trial and desires the presence at trial of the officer who issued the traffic/parking citation, he/she shall so notify the city police department at the time the notice of intention to stand trial is given.

(3)~~~If proper notification is not given, the officer need not appear at the trial, and the copy of the citation bearing the certification of the officer is prima facie evidence of the facts stated in it.

(4) FAILURE TO PAY A CITATION OR TO ELECT TO STAND TRIAL WITHIN THE SET TIME PARAMETERS WILL RESULT IN THE FLAGGING OF MOTOR VEHICLE TAGS IN THE AMOUNT OF (\$25) AND THE ASSESSMENT OF FLAGGING AND ADMINISTRATIVE HANDLING FEE IN THE AMOUNT OF (\$25).

(Ord. No. 20-77, 11-10-77; Ord. No. O-4-04, 9-9-04)

Charter reference--Authority to establish fines, penalties and punishments for breach of town ordinances, § C-23A(28).

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 thirty (30) days from the date of its adoption; provided, however that a fair summary of the Ordinance is published at least once in a newspaper of general circulation in the Town of Cheverly.

INTRODUCED AND PASSED AS AN EMERGENCY by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on August 11, 2011, at which meeting copies were available to the public for inspection.

ADOPTED by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on August 11, 2011, at which meeting copies were available to the public for inspection.