

(1996 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 66B – Zoning and Planning

Section 5.05 and 7.01

Annotated Code of Maryland

(1995 Replacement Volume and 1996 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 23A – Corporations – Municipal

3.

(a) The legislative body of any municipality shall have power to provide that violations of ordinances and resolutions authorized by this article shall be punishable as misdemeanors, but no penalty shall exceed a fine of \$1,000 and imprisonment for 6 months. Imprisonment in default of fine and costs shall be regulated by the provisions of Article 38, § 4 of the Code.

(b) (1) The legislative body of a municipality may provide that violations of any municipal ordinance shall be a “municipal infraction” unless the violation is declared to be a felony or a misdemeanor by State law. In addition, the legislative body of a municipality may classify as a “municipal infraction”: (i) a violation of any zoning or land use ordinance or regulation authorized to be adopted or enacted by that municipality; and (ii) littering within the municipality as prohibited under Article 27, § 468 of the Code. For purposes of this article a municipal infraction is a civil offense.

(2) A fine not to exceed \$1,000 may be imposed for each municipal infraction. The fine is payable to the municipality by the person charged in the citation within 20 calendar days of service of the citation.

(3) (i) Those officials authorized by the legislative body of the municipality to act as enforcement officers may serve a citation on any person:

1. Whom they believe is committing or has committed a municipal infraction; or

2. On the basis of an affidavit submitted to an appropriate official of the municipality, to be named by the municipality, citing the facts of the alleged infraction.

(ii) The citation shall be served on the defendant:

1. In accordance with Rule 3-121 of the Maryland Rules; or

2. For real property-related violations, if proof is made by affidavit that good faith efforts to serve the defendant under Rule 3-121(a) of the Maryland Rules have not succeeded, by:

A. Regular mail to the defendant’s last known address; and