

Resolution No. 06-02
Introduced: 1/11/06
Adopted: 2/1/06
Effective Date: 3/23/06

RESOLUTION
OF
TOWN OF CHEVY CHASE

SUBJECT: AMENDMENT OF ARTICLE III, SECTION 303 OF TOWN CHARTER, ENTITLED, " ENFORCEMENT OF ORDINANCES" TO PROVIDE THAT THE TOWN COUNCIL MAY PROVIDE THAT A VIOLATION OF TOWN ORDINANCES CONSTITUTES A MISDEMEANOR AND ESTABLISHES PENALTIES FOR SUCH VIOLATION OF A FINE OR IMPRISONMENT NOT TO EXCEED THE MAXIMUM ALLOWABLE UNDER STATE LAW.

WHEREAS, Article 23A, Section 3(a) of the Annotated Code of Maryland authorizes the Town to provide that violations of Town ordinances and resolutions authorized by Article 23A shall be punishable as misdemeanors with a penalty not to exceed \$1,000.00 and imprisonment of six (6) months; and

WHEREAS, pursuant to such authority the Town Council adopted Article III, Section 303 of the Town Charter, entitled "Enforcement of ordinances" authorizing the Town Council to provide that the violation of Town ordinances shall be a misdemeanor and to affix as penalties a fine not exceeding five hundred (\$500.00) dollars or imprisonment not to exceed ninety (90) days, or both such fine and imprisonment; and

WHEREAS, pursuant to the provisions of Article 23A, Section 12 of the Annotated Code of Maryland, the Town Council may initiate amendments to the Town Charter; and

WHEREAS, the Town Council finds that amending the provisions of Article III, Section 303 of the Town Charter, entitled "Enforcement of ordinances" to authorize the Town Council to increase the misdemeanor penalties for the violation of the Town Ordinance is necessary for the good government of the Town; for the preservation of peace and good order; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town.

NOW THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following amendment to Article III, Section 303, entitled " Enforcement of ordinances" so as to provide as follows:


Section 1.

Section 303. Enforcement of Ordinances.

To assure the observance of the ordinances of the town, the council has the power to provide that violation thereof shall be a misdemeanor and has the power to affix thereto penalties of a fine not exceeding the maximum allowable under State law or imprisonment not to exceed the maximum allowable under State law, or both such fine or imprisonment. Any person subject to any fine, forfeiture, or penalty by virtue of any ordinance passed under the authority of this charter has the right of appeal within ten (10) days to the Circuit Court for Montgomery County. The council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one (1) violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding violation.

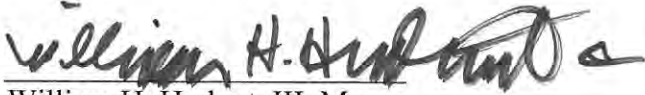
ATTEST:

By:



Scott Orbach, Secretary

TOWN OF CHEVY CHASE



William H. Hudnut, III, Mayor