

CHAPTER 1

GENERAL PROVISIONS

Article 1. Designation and Citation of the CodeSection 1-101. How the Code is Designated

The ordinances embraced in the following chapters and sections shall constitute and be designated as "The Code of Ordinances of the Town of North East, Maryland", and may be so cited. The code may also be cited as "The North East Town Code".

Section 1-102. How the Code is Cited

The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be taken to be titles of such sections, nor as any part of such sections, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted. The code shall be cited by the word "Section" followed by the numerical designation of the ordinance. This ordinance is Section 1-102 of the Code of Ordinances of The Town of North East, Maryland.

Article 2. Violations Defined/Penalties Designated

Section 1-201. Definitions

For purposes of this code, any violations of its provisions is a misdemeanor unless specifically declared by these ordinances to be a municipal infraction. An infraction is any violation of this code which has been specifically declared to be an infraction. For purposes of this code, an infraction is a civil offense.

Section 1-202. Penalties

Unless otherwise provided in these ordinances, any person found guilty of violating any provision of this Code for which violation is a "misdemeanor" as defined in Section 1-201, shall be subject to a fine not to exceed \$1,000.00 and imprisonment not to exceed ninety (90) days or both such fine and imprisonment for each offense. Any person violating a provision of this Code for which violation is an "infraction" as defined in Section 1-201 shall be subject to a fine not to exceed \$400.00 for first offenders and a fine not to exceed \$400.00 for each repeated offense. Each day a violation continues shall, unless otherwise provided, constitute a separate and repeated offense.

If an Ordinance should recite penalties greater than this, they shall be deemed to mean these maximum penalties. If the penalties as set forth in a particular Ordinance are less than those set forth herein, then the lesser penalties as set forth in said Ordinances shall be effective.

Article 3. Municipal Infraction Procedures

Section 1-301. Authority to Declare Infractions and Set Fines

The President and Commissioners of The Town of North East, hereinafter referred to as the Board, shall by official act declare the violation of which ordinances shall be an infraction and for each such violation a specific fine shall be set. This fine shall never exceed \$100.00 for any single, initial violation, or \$200.00 for each repeat or continuing violation. The fine shall be expressed as a discrete amount rather than being expressed in terms of a maximum or minimum amount. The authority to declare infractions and set fines shall not be delegated by said board to any other administrative or legislative body.

Section 1-302. Enforcement

Those officials authorized by the Board to enforce this code may deliver a citation to any person alleged to be committing an infraction. A copy of the citation shall be retained by the Town and shall bear the certification of the enforcing official attesting to the truth of the matter set forth in the citation. The citation shall contain at least 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 or was observed;
4. The amount of the fine assessed;
5. The manner, location, and time in which the fine may be paid to the town;
6. The right of the accused to stand trial.

Section 1-303. Payment of Fines

The fine for an infraction shall be as specified in the law violated. The fine is payable within 20 calendar days or receipt of the citation.

Section 1-304. Adjudication, Right to Trial

Whereas the District Court of Maryland is empowered by Article 23A, Section 3, to adjudicate all cases involving infractions, the Town shall not conduct any formal hearing for those persons charged with municipal infractions. Any offender so charged may pay the fine as indicated in the citation or stand trial for the offense. This provision shall not prevent an offender from requesting additional information concerning the infraction.

Section 1-305. Notification of Decision to Stand Trial

A person charged with a municipal infraction may elect to stand trial for the offense by notifying the Town in writing of his intention at least five (5) days prior to the date of payment set forth in the citation. Upon receipt of the notice stating intent to stand trial, the Town shall forward to the District Court of Maryland having venue, a copy of said notice.

Section 1-306. Failure to Satisfy a Citation

Should a person charged with a municipal infraction fail to pay the assessed fine and fail to file notice of intent to stand trial for the offense, the Town shall send a formal notice of the infraction to the offender's last known address. If the citation has not been satisfied within 15 days of the date of the formal notice, the offender shall be liable for an additional fine not to exceed twice the original fine. If after 35 days, the citation has not been satisfied, the Town may request adjudication of the case through the District Court of Maryland.

Section 1-307. Court Trials and Rights of the Accused

In any trial for a municipal infraction the accused shall have the same rights as for the trial of criminal cases. The accused shall have the right to cross-examine witnesses, to testify or introduce evidence in his own behalf and to be represented by an attorney of his choice at his own expense.

Section 1-308. Conviction

Conviction of a municipal infraction, whether by the District Court of Maryland or by payment of a fine to the Town, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

Section 1-309. Authorized Enforcement Officials

The following officials are hereby authorized and empowered to enforce this ordinance:

1. The Chief Executive Officer of the Town of North East;
2. Any officer of The Town of North East Police Department, The Maryland State Police or the Cecil County Sheriff's Department;
3. The designated representative of the Chief Executive Officer.

Article 4. Alterations in the Code

Section 1-401. Effect of the Repeal of an Ordinance

The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repeal took effect. The repeal of an ordinance shall not affect any punishment or penalty encumbered before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

Section 1-402. Provisions Deemed Continuations of Existing Ordinances

The provisions appearing in this code, so far as they are the same in substance as ordinances existing at the effective date of this code, shall be considered as continuations thereof and not as new enactments.

Section 1-403. Severability of Parts of the Code

It is hereby declared to be the intention of the Board of Commissioners that the sections, paragraphs, sentences, clauses, and words of this code are severable and if any word, clause, sentence, paragraph or section of this code shall be declared unconstitutional or otherwise invalid by valid judgement or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs, and sections of this code, since the same would have been enacted by the Board of Commissioners without the incorporation into this code of any such unconstitutional or invalid word, clause, sentence, paragraph or section.